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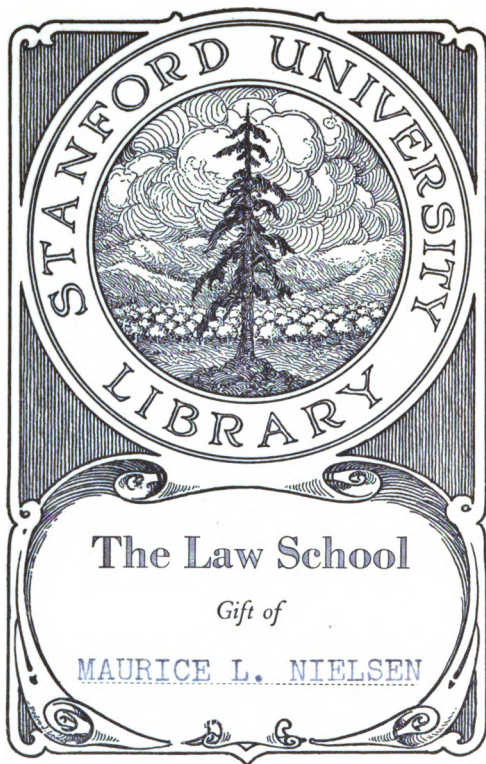
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LAWS

OF

WISCONSIN TERRITORY;

PASSED BY THE FOURTH LEGISLATIVE ASSEMBLY,

DURING THE SESSION TERMINATING ON THE 26TH DAY OF MARCH,
AND THAT TERMINATING ON THE 17TH DAY OF APRIL, 1843.

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YRABEL BROTHAT

LAWS

OF

WISCONSIN TERRITORY

AN ACT to amend "an act authorizing Webster Stanley to maintain a ferry across Fox river," approved Feb. 18, 1842.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That Webster Stanley is hereby authorized to keep and maintain a ferry across the Fox river, in the county of Brown, on section twenty-four, in town eighteen north, of range eighteen east, for such length of time, and subject to such restrictions, as are provided by the act which is hereby amended. Ferry on Fox river.
How regulated.

Re-considered, and passed the House of Representatives, March 20, 1843, by ayes and noes, nineteen members voting for the bill.

JOHN CATLIN, Chief Clerk.

Re-considered, and passed the Council, March 20, 1843, by ayes and noes, ten members voting for the bill.

JOHN V. INGERSOLL, Secretary.

AN ACT to organize certain towns therein named.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That all that part of the town of Warren, in the county of Milwaukee, comprised in township seven, in range eighteen east, is hereby set off and organized into a separate town, by the name of Nemahbin; and the first election in said town shall be held at the house of N. P. Hawks. Town of Nemahbin.

§ 2. That all that part of the town of Spring Prairie, in Wal- La Fayette, worth county, comprised in township three, range seventeen east, is hereby set off and organized into a separate town by the name

Election. of La Fayette; and the first election in said town shall be at the house of Theodorus B. Northrup.

La Grange. § 3. That all that part of the town of Elk Horn, in said county, comprised in township four, range sixteen east, is hereby set off and organized into a separate town by the name of La Grange; and the first election in said town shall be held at the school house on Round Prairie.

Meacham. § 4. That all that part of the town Troy, in said county, comprised in township four, range seventeen east, is hereby set off and organized into a separate town by the name of Meacham; and the first election in said town shall be held at the house of Jesse Meacham.

Troy. § 5. That all that part of the said town of Troy, comprised in township four, range eighteen east, is hereby set off and organized into a separate town by the name of Troy; and the first election in said town shall be held at the Methodist meeting house in said town.

Ottawa. § 6. That all that part of the town of Genesee, in the county of Milwaukee, comprised in township six, range seventeen east, is hereby set off and organized into a separate town by the name of Ottawa; and the first election in said town shall be held at the house of Newman Chub.

Johnstown. § 7. That all that part of the town of Janesville, in the county of Rock, comprised in township three north, of range fourteen east, be set off and organized into a separate town by the name of Johnstown; and the first election in said town shall be held at the dwelling house of Elisha Newhall, in said town.

Fulton. § 8. That all that country comprised in town four north, of range twelve east, in the county of Rock, be set off and organized into a separate town by the name of Fulton; the first election to be held at the house of William B. Foster.

Union, country attached to. § 9. That all that country comprised in the limits of the north half of town three north, of range eleven east, be annexed to and become a part of the town of Union, in the county of Rock.

Oakland. § 10. All that part of the town of Jefferson, in the county of Jefferson, comprised in township six, in range thirteen east, is hereby set off, and organized into a separate town by the name of Oakland; and the first election shall be held at the house of Girard Crain, in said town. And the north half of township six, and the two southern tiers of sections of township seven in range fifteen

and sixteen east, in the county of Jefferson, are hereby annexed to, and shall form a part of the town of Jefferson.

§ 11. That the said several towns set off and organized by this act, shall each be entitled to and enjoy all the rights and privileges which are granted by law to the other towns in this Territory. ^{Rights of towns.}

§ 12. That all that part of Beloit, in the county of Rock, comprised in sections ten, fifteen, twenty-two, twenty-seven and thirty-four, in town one north, of range thirteen east, be annexed to and form a part of the town of Clinton. ^{Clinton, county attached to.}

§ 13. That all that section of country comprised in the county of Calumet, shall be incorporated into a town by the name of Manchester; and shall hold their election, until further ordered by vote of said town, at the centre school house. ^{Manchester. Election.}

§ 14. That all that part of the town of Walworth, in the county of Walworth, comprised in township one, range fifteen east, is hereby set off and organized into a separate town by the name of Sharon; and the first election in said town shall be held at the house of Joseph Topping. ^{Sharon. Election.}

§ 15. That all that section of country comprised in the county of Marquette, shall be a town by the name of Marquette; and the first election in said town shall be held at the house of S. W. Beall, and that said town and county of Marquette shall be annexed for county purposes to the county of Fond du Lac. ^{Marquette. Election. Attached, &c.}

APPROVED, March 21, 1843.

AN ACT to annex certain fractions or lots of land to the town of Rock, in the county of Rock.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That fractional sections number one and number two, lying north and west of Rock river, in township number two north, of range twelve east, be and the same are hereby annexed to the said town of Rock, in the county of Rock. ^{Town of Rock, country annexed to.}

APPROVED, March 21, 1843.

AN ACT to change the name of Henry Sanders Brown.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Change of
name.

Proviso.

§ 1. That the name of Henry Sanders Brown, of Milwaukee, late of Washington county, New York, be and the same is hereby changed to that of Henry Brown Sanders; and by such name, he shall and may hereafter be known and recognized: *Provided*, that the rights of no person or persons shall in any wise be affected thereby.

APPROVED, March 22, 1843.

AN ACT to change the time of holding courts in certain counties of the second judicial district, and to provide for a change of venue in criminal cases.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Courts in the
second judi-
cial district.

When held:

§ 1. The district court shall be holden at the county seat of the several counties in the second judicial district, hereinafter mentioned, at the times specified herein, to wit: Green county, the second Monday in April and October; Rock county, the third Monday in April and October; Walworth county, the fourth Monday in April and October; Jefferson county, the third Monday after the fourth Monday in April and October; Dane county, fourth Monday after the fourth Monday in April and October.

Writs, &c.,
how and when
made returna-
ble.

§ 2. All writs, summonses, process, indictment, recognizance, and other proceedings in any of the said courts, which now are or may hereafter be made returnable in any of said courts in the first section mentioned, at any time after this act shall take effect, shall be considered as returnable at the term fixed in this act for holding the spring terms of said courts, and all adjournments, appearances, continuances, motions, and notices of any proceedings in said courts, which are made or taken to any term subsequent to the time this act shall take effect, shall be held to be made and taken for the time fixed by this act for holding the spring term of said courts.

Acts repealed.

§ 3. So much of any and all former acts as conflict with the provisions of this act, are hereby repealed.

§ 4. All criminal causes shall be tried in the county where the offence was committed, unless it shall appear to the satisfaction of the court, by affidavit, that a fair and impartial trial cannot be had in such county; in which case, the court before whom the cause is pending, if the offence charged in the indictment be punishable with death or imprisonment in the state prison, may, either in term time or vacation, direct the person accused to be tried in some adjoining county, where a fair and impartial trial can be had: *Provided*, that the party accused shall be entitled to a change of venue but once and no more.

§ 5. That when the venue is changed to an adjoining county, in a criminal case, the clerk of the proper court thereof, after having received the original indictment, and a certified transcript of the proceedings thereon, the trial shall be conducted in all respects as if the offence had been indicted in the county to which the venue is changed: *Provided*, that the costs accruing from a change of the venue shall be paid by the county in which the offence was committed.

§ 6. When a court has ordered a change of venue, if the accused be in arrest or confinement, they shall issue a warrant directed to the sheriff, commanding him safely to convey the prisoner to the jail of the county where he or she is to be tried, there to be safely kept by the jailor thereof until discharged by due course of law.

§ 7. When the court has ordered a change of venue, they shall require the accused, if the offence be bailable, to enter into a recognizance with good and sufficient sureties, to be approved by the court or judge, in such sum as the court or judge may direct, conditioned for his appearance in court at the time and place at which the cause is to be tried, on such change of venue, and in default of such recognizance, a warrant shall be issued, as provided in the next preceding section.

§ 8. When a change of venue is allowed, the court shall recognize the witnesses on the part of the United States, to appear before the court in which the prisoner is to be tried.

§ 9. The attorney on behalf of the United States, may also apply for a change of venue, and the court being satisfied that it will promote the ends of justice, may award a change of venue upon the same terms, and to the same extent, that are provided in this act.

APPROVED, March 23, 1843.

AN ACT fixing the time of holding the annual sessions of the Legislative Assembly, and for other purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

- When to meet.** § 1. That the annual commencement of the session of the legislative assembly, shall be on the first Monday of December, in each and every year.
- Special sessions, how called.** § 2. The governor of the territory may, as often as in his opinion the public interest requires it, appoint by proclamation special sessions of the legislative assembly, to be holden at such times as he may designate, not less than twenty days from the issuing such proclamation.
- Members, when exempt from arrest.** § 3. No member of the legislative assembly shall be liable to arrest on a service of any civil process, issued by any of the courts of this Territory during any session of the legislative assembly, or for ten days immediately preceding or subsequent to the termination of such session; and any member in arrest during the period of such exemption, shall be entitled to an immediate discharge, on application to any judge, supreme court commissioner, or justice of the peace, in any county in which such arrest may have been made.
- Application for discharge.** § 4. The present session of the legislative assembly shall terminate on the twenty-fifth day of March, 1843.
- Session to terminate.** § 5. There shall be a session of the legislative assembly held at the capitol, in Madison, to commence on the twenty-seventh day of March, A. D. 1843, at ten o'clock in the forenoon, which shall continue until terminated by joint resolution of the said assembly.
- Session to commence.** § 6. At the said session, to be held on the said twenty-seventh day of March, 1843, the council and house of representatives may proceed to complete the unfinished business remaining in their respective houses at the termination of the present session.
- Completion of business.** § 7. An act of the revised statutes, entitled "an act relative to the sessions of the legislative assembly," is hereby repealed.
- Act repealed.** § 8. This act shall take effect from and after its passage.
- To take effect.** APPROVED, March 23, 1843.

AN ACT to provide for the election of sheriffs, judges of probate, and justices of the peace.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. There shall be a general special election held in the several counties and towns in this territory, on Monday, the first day of May, A. D. 1843, at such places in the several counties and towns as now are, or may before that time be fixed upon, in pursuance of law, for holding such elections. ^{Elections, when held.}

§ 2. All elections held in pursuance of the provisions of this act, shall be conducted in such manner as is now or may be provided by law for holding general elections in the several counties of the territory. ^{How conducted.}

§ 3. There shall be elected in each of the counties of this territory, which are organized for judicial purposes, at the said election to be held on the first Monday of May next, a sheriff, and judge of probate, by the qualified voters of such counties, and of the counties attached to them for judicial purposes, except as hereinafter provided, whose term of service shall commence on the first Monday of June next after their election, and continue until the first Monday of January, in the year eighteen hundred and forty-five, and until their successors are duly elected and qualified; and the qualifications, rights, liabilities, powers and duties of the said officers, shall be the same as prescribed by law for the said officers. ^{What officers elected. Term of office.}

§ 4. There shall, in like manner, be elected, at the general election to be held on the fourth Monday of September, A. D. 1844, and biennially thereafter, in each of the counties organized for judicial purposes, by the qualified voters of such county and of the counties attached to them for judicial purposes, a sheriff and judge of probate, whose term of service shall commence on the first Monday of January next after their election, and continue for two years, and until their successors are duly elected and qualified, and the qualifications, rights, liabilities, powers and duties of the said officers shall be the same as prescribed by law: *Provided, Proviso.* that no person shall be eligible for two successive terms to the office of sheriff.

§ 5. The mode of canvassing the votes for said officers, and of determining the persons elected to said offices respectively, shall be the same as prescribed by law for canvassing the votes for ^{How conducted.}

and determining the persons elected to county offices; and when any county shall be attached to another county for judicial purposes, the clerk of the board of county commissioners, or supervisors of the county so attached, shall, on the third Monday after the day of election, attend at the office of the clerk of the board of county commissioners, or supervisors of the county to which such county is attached, and the clerks of the several counties so attached, together with the clerk of the county to which they are attached, shall in conjunction proceed to canvass the votes, and determine the persons who are elected, in the manner prescribed in this section; and if any of the counties so attached are not organized for county or judicial purposes, the election therein shall be conducted, returns made and votes canvassed, in the same manner as though they constituted an integral part of the county to which they are so attached.

Canvass.

Returns, how made.

Justices of the peace.

Term of service.

Duty of commissioners.

Precincts defined.

Number of justices in each town.

§ 6. There shall be elected at the said general special election, by the qualified voters of the several towns in the several counties organized under the act, entitled "an act to provide for the government of the several towns in this territory, and for the revision of county government," approved February eighteenth, 1841, not more than three justices of the peace, who shall be residents of the towns in which they may be elected; whose term of service shall commence on the first Monday of June next, and continue until the first Monday of May, succeeding the next annual town meeting; and after the present year, the said justices shall be elected at the annual town meeting, and shall hold their offices until the first Monday of May, succeeding the next annual town meeting, and until others are duly elected and qualified.

§ 7. It shall be the duty of the county commissioners of the several counties in this territory, which are not organized under the act entitled "an act to provide for the government of the several towns in this territory, and for the revision of county government," approved February eighteenth, 1841, in establishing the several election precincts, in their respective counties, hereafter to prescribe the boundaries thereof, and also to give names to said precincts.

§ 8. There shall be elected in each of the said precincts, at the said general special election, by the qualified voters of such precinct, not more than three justices of the peace, who shall be residents of the precincts for which they may be elected, whose

term of service shall commence on the first Monday of June next, Terms, &c. and terminate on the first Monday of January next; and there shall likewise be elected at the general special election, not more than three justices of the peace in each precinct, who shall be residents of the precincts for which they may be elected, whose term of service shall commence on the first Monday of January, next after their election, and continue for one year, and until others are duly elected and qualified.

§ 9. At the said elections in the several towns and precincts How elected. aforesaid, the three persons, or any less number that may be fixed by vote of any town or precinct, who shall receive the highest number of votes for justices of the peace, shall be considered and declared to be duly elected justices of the peace for the county in which any such town or precinct may be situated.

§ 10. The board of supervisors in the several towns, and the Returns, how judges of election in the several precincts, shall make a return made. to the clerk of the board of supervisors, or of the board of commissioners, as the case may be, of the several persons who may be elected justices of the peace, in pursuance of the provisions of this act; and the said clerk shall issue to the persons so elected certificates of such election, under the seal of said board, which Certificate, &c. shall be sufficient evidence of such election, for all purposes whatever.

§ 11. The jurisdiction of all justices of the peace elected in Jurisdiction. pursuance of the provisions of this act, shall be co-extensive with the limits of the county in which they shall be elected, and no other or greater, whether said county be attached to any other county, or whether any other county is attached to it: *Provided*, that every justice elected under the provisions of this act, shall Office, keep his office in the town or precinct for which he may be elected, where kept. and not elsewhere.

§ 12. The qualifications, rights, liabilities, powers and duties Qualifications of justices of the peace elected in pursuance of the provisions of this act, shall be the same as prescribed by law.

§ 13. That so much of any law of the territory, as authorizes Repealed. the governor to appoint to or remove from office, any sheriff, judge of probate, or justice of the peace, be, and the same is hereby repealed: *Provided*, this section shall not take effect until the first Proviso. day of June next.

§ 14. The term of service of the several sheriffs, judges of Service, &c.

probate, and justices of the peace, who may be in office at the time of the passage of this act, or at any time before the first Monday of June next, shall expire on the first Monday of June next.

Removals from office.

§ 15. The governor of the territory is authorized and empowered to remove from office any sheriff, or judge of probate, guilty of malfeasance, or misfeasance in office, in the following cases:—

How made. when a written complaint shall be made to the judge of the district court, within whose jurisdiction the officer charged with the offence shall reside, and the said judge shall certify to the governor, after an investigation of the charges, that the said officer has been guilty of malfeasance or misfeasance in office, and ought to be removed; and the said judges are authorized and directed to investigate all charges made as aforesaid against either of said officers, after proper notice has been given to such officer, that such charges are made against him, and of the time and place appointed for the investigation of such charges; and if, after such investigation, the judge is satisfied that the said officer is guilty of malfeasance or misfeasance in office, and ought to be removed, he shall certify such opinion to the governor.

Vacancies, how filled:

§ 16. In case of vacancy in the office of judge of probate, created by death, resignation, or otherwise, the governor of the territory is authorized and empowered to appoint some suitable person to fill such vacancy, who shall hold his office until the next annual election, and until his successor is duly elected and qualified.

Districts, for judge of probate.

§ 17. The counties of Fond du Lac, Marquette, Winnebago, and Calumet, shall constitute one district; and the counties of Sheboygan and Manitowoc shall in like manner constitute a district; the county of Portage shall constitute a district; and the county of Washington shall in like manner constitute a district, for the election of a judge of probate; whose jurisdiction shall be co-extensive with the district for which he may be elected: said judges of probate to be elected at the same time and manner as prescribed in this act, and in pursuance to the provisions of this section: *Provided*, that the clerks of the several towns in the counties of Fond du Lac, Calumet, Winnebago and Marquette shall make returns of such election to the clerk of the board of supervisors of Fond du Lac county, within three weeks from the day of election: *and provided, also*, that the clerk of the board of commissioners of the county of Sheboygan shall make return of the election of

Jurisdiction.

Proviso.

Election returns.

such county to the office of the clerk of the board of commissioners of Manitowoc county, within the same time.

§ 18. If any justice of the peace die, resign, or remove out of the town or precinct for which he may be elected, or his term of office be in any other manner terminated, the docket books, records, papers and documents appertaining to his office, or relating to any suit, matter or controversy, committed to him in his official capacity, shall be delivered to the nearest justice in the same county, who may thereupon proceed to hear, try and determine such matter, suit or controversy, or issue execution thereon, in the same manner as it would have been lawful for the justice before whom such matter or suit was commenced to have done.

§ 19. So much of any act, or parts of acts, as contravene, or are not consistent with, the provisions of this act, are hereby repealed.

§ 20. It shall be the duty of the secretary of the territory, as soon as may be after the passage of this law, to send a copy of it to the publishers of the several newspapers in this territory, for publication.

§ 21. This act shall take effect from and after its passage.

Take effect.

APPROVED, March 23, 1843.

AN ACT to repeal so much of an act supplementary to the several acts relating to the Milwaukee and Rock River Canal, approved February 12, 1841, and such other acts or parts of acts as authorize the sale of any portion of the lands granted by the act of Congress of the 18th June, 1838, and to amend the several sections of an act approved February 19, 1841, supplementary to the several acts in relation to the Milwaukee and Rock River Canal.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That so much of any law of this territory as authorizes any person to make application for the sale of any portion of the unsold and unreserved lands granted by the act of congress of the 18th June, 1838, to the territory of Wisconsin, to aid in the construction of the Milwaukee and Rock river canal, and such

parts of the said acts as authorize the sale of any portion of said lands by the proclamation of the governor, or otherwise, be, and the same is hereby, repealed.

Repealed.

Proviso.

Patent, how
obtained.

§ 2. That the second section of an act entitled "an act in addition to an act in addition to an act entitled 'an act supplementary to the several acts in relation to the Milwaukee and Rock river canal,'" approved February 19th, 1841, be, and the same is hereby, repealed. *Provided:* that the purchaser of any canal lands, under and by virtue of an act entitled "an act to provide for aiding in the construction of the Milwaukee and Rock river canal," approved 26th February, 1839, is hereby authorized to receive and demand a patent for the lands by him purchased, upon executing and delivering to the proper officer a bond and mortgage, as is provided in the tenth section of the last recited act.

APPROVED, March 25, 1843.

AN ACT to provide for the election of superintendent of territorial property, and for other purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

When elected,
and how.

Tenure of office.

Elections here-
after.

Duties of the
Superintendent.

§ 1. That there shall be elected by joint ballot of the council and house of representatives, in the representatives' hall, on the twenty-fifth day of March, 1843, an agent of the legislative assembly, who shall be styled "superintendent of territorial property," whose term of service shall commence at the time of his election, and continue until the termination of the next regular annual session of the legislative assembly, and until his successor be elected and duly qualified.

§ 2. There shall be elected at each regular annual session of the legislative assembly, on such day as the two houses by joint resolution shall prescribe, a superintendent of territorial property, whose term of service shall commence at the termination of the session at which he is elected, and he shall hold his office until the termination of the next regular annual session of the legislative assembly after his election, and until his successor be elected and duly qualified.

§ 3. All the duties which now devolve by law upon the commissioner of public buildings, by virtue of an act entitled "an act

in addition to an act to establish the seat of government of the territory of Wisconsin, and to provide for the erection of public buildings, approved December 3, 1836, and for other purposes," approved March 8, 1839, and of an act entitled "an act to amend an act entitled an act in addition to an act to establish the seat of government of the territory of Wisconsin, and to provide for the erection of public buildings, approved December 3, 1836, and for other purposes, approved March 8, 1839," approved January 11, 1840, together with all other duties devolving by law or resolution upon the commissioner of public buildings, shall devolve upon, and be performed by, the superintendent of territorial property.

§ 4. All the duties which now devolve by law upon the librarian, by virtue of an act of the revised statutes entitled "an act to provide for the appointment of a librarian, and for other purposes," together with all other duties devolving by law or resolution upon the librarian, shall devolve upon, and be performed by, the superintendent of territorial property. Act as Librarian.

§ 5. The superintendent shall have authority to employ an assistant, or clerk, who shall receive pay at the rate of one dollar and fifty cents per day only, during the sessions of the legislative assembly, and of the supreme court, and for such time as the superintendent will necessarily be absent from the seat of government on official business. Assistant. Compensation.

§ 6. So much of any law as conflicts with the provisions of this act is hereby repealed. Repealed.

§ 7. It shall be the duty of the superintendent of territorial property to bring to as speedy a termination as possible, the several suits now pending in favor of the territory in the county of Walworth; and the said superintendent is hereby vested with full power and authority to compromise, settle, and discharge said suits, and also to compromise, settle, and discharge the claim of the territory upon James Morrison, contractor, and his sureties, for not completing the capitol according to his contract, in such manner as he shall think will best protect the rights and promote the interests of the territory, provided that no such compromise, settlement or discharge, shall be obligatory upon the territory, if it shall be disapproved by the legislative assembly at its first regular session after such compromise, settlement, or discharge. And if the said superintendent shall not compromise, settle, or discharge the said claim of the territory upon the said James Morrison and May settle suits.

Bring suits. his sureties, he is hereby authorized and required to cause the necessary and proper legal proceedings to be instituted to recover said claim.

Bond. § 8. The superintendent of territorial property shall, before he enters upon the duties of his agency, execute a bond to the treasurer of the territory, for the use of the territory, in the penal sum of two thousand dollars, conditioned for the faithful discharge of the duties imposed upon him by this act, with two good and sufficient sureties, which shall be approved by the presiding officers of the two houses of the legislative assembly, and deposited with the clerk of the supreme court of the territory; and he shall receive in full compensation for his services, in addition to any expenses actually and necessarily incurred by him on account of the territory, a salary of three hundred dollars, to be paid by the secretary of the territory, out of the fund appropriated by congress to defray the expenses of the legislative assembly.

Members of bar to have books. § 9. Members of the bar, having the right to practice in the supreme court of the territory, shall, during the sessions of the supreme court, have the privilege of the library to the same extent as members of the legislative assembly now have.

Subpena witnesses. § 10. That the superintendent of territorial property is hereby authorized and required to issue subpoenas and compel the attendance of witnesses on behalf of the territory, in the several suits referred to in this act, without paying or tendering fees in advance; and any witness failing or neglecting to attend, after being duly subpoenaed, shall be liable in the same manner as is now provided by law in other cases where fees have been paid or tendered.

Capitol, how kept during recess. § 11. The rooms in the capitol appropriated to the use of the council and house of representatives, and the furniture belonging thereto, shall not be used for any purpose whatever except for the sessions of the said several bodies, and said rooms shall, during the recess of their session, be kept closed under the care and charge of said superintendent.

Contract for wood, stationery, &c. § 12. It shall be the duty of said superintendent of territorial property, to contract annually for the delivery of the necessary amount of wood, stationery and candles, required for the use of the legislative assembly, to be delivered at the capitol to the superintendent, previous to the annual session of the general assembly; and the superintendent's receipt shall be the voucher upon

How and when delivered.

which the accounts of the contractors are to be audited and allowed.

§ 13. That all stationery, wood, &c., for the use of the legislative assembly, shall be delivered to the respective officers of the legislative assembly, upon the order of the chief clerk, which order shall be the voucher for said superintendent to settle his accounts. Contract, with whom made.

§ 14. That the superintendent shall, in all contracts, take such steps as he may deem most wise, to make contracts for the above articles with such person or persons as will furnish them on the lowest bid.

Re-considered, and unanimously passed by the council, March 23, 1843—thirteen votes in the affirmative.

JOHN V. INGERSOLL, Secretary.

Re-considered, and approved by the house of representatives, March 24, 1843—ayes 24, noes 2—two-thirds of all the members having voted for the bill.

JOHN CATLIN, Chief Clerk.

AN ACT to incorporate the Prairieville Manufacturing Company.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That all persons that may be associated together as stockholders under this act of incorporation, and their successors and assigns, be, and are hereby, ordained, constituted, and declared to be, a body politic and corporate, under the name and style of the Who shall compose company Name, &c. Prairieville Manufacturing Company, and by that name shall have all the privileges and immunities of a corporation, shall be capable of suing and being sued, defending and being defended, in all courts and places whatsoever, may have a common seal and change the same at pleasure, and generally may do all such acts and things as to them shall lawfully appertain to do. Sue &c., Common seal.

§ 2. The capital stock of said company shall consist of fifty thousand dollars, divided into shares of one hundred dollars each; and such shares shall be deemed to be personal property, and may be transferred in such manner as provided for in section nine of this act. Capital stock

§ 3. J. H. Kimball, S. H. Barstow, and A. W. Randall shall be commissioners to receive subscriptions to the capital stock of said company, who shall give at least ten days notice in some Commissioners. Notice.

newspaper published in the county of Milwaukee, of the time and place, in the town of Prairieville, when and where such subscriptions will be received; and a majority of such commissioners shall appoint one or more of their number to attend at such place, and shall continue the subscriptions to the capital stock of said company until at least one half of the aforesaid fifty thousand dollars shall have been subscribed. Whereupon, the said commissioners shall proceed to distribute said stock so subscribed for. *Provided,* also, that ten per cent. in specie on such share shall be paid to the commissioners at the time of subscribing.

10 per cent. to be paid in.

Notice to elect directors.

§ 4. The commissioners, or a majority of them, shall, as soon as the aforesaid stock shall have been distributed, or within thirty days thereafter, proceed to call a meeting of the stockholders, at such time and place as may be deemed fit, by giving at least three days notice, for the purpose of electing directors, who shall hold their offices until others are elected, as hereinafter provided.

Elections, how conducted.

§ 5. The annual election of directors shall take place on the first Monday of May in each year, and in case of neglect to hold such election, the president may appoint some other day for said election to take place, by giving at least thirty days notice in some newspaper published in the county of Milwaukee; and at every such election, and at every other meeting of said stockholders, for whatever purpose called, each share of stock shall be entitled to one vote, and a majority of the votes received shall be necessary to determine any question; and at every such meeting the said stockholders may vote in person, or by proxy duly authorized for that purpose.

Hold real estate.

§ 6. The company shall be capable of purchasing, holding, leasing, and conveying, real and personal estate, and all deeds executed by the president and treasurer in the name of the company, shall be sufficient in law to convey the title of the company to the lands therein described; and said company shall have power

May construct water power.

to construct dams, canals, or water ways, and reservoirs, erect mills and machinery to be moved by water power, on any land owned by them in the town of Prairieville, in the county of Milwaukee, for the purpose of manufacturing flour and other commodities for market. *Provided:* that the real estate to be owned by said company shall be only such as is necessary for the convenient transaction of the manufacturing operations of said company, or such as shall have been bona fide mortgaged or conveyed for the

Proviso.

security or payment of a precedent debt, owing to said company. *Provided, further,* that the general law, approved January 13, 1840, relating to mills and mill dams, shall be, and is hereby, declared to be applicable to any dam which may be constructed by virtue of this act.

§ 7. The business of said company shall be managed by a Company how board of five directors, who shall be stockholders; and shall be ^{managed.} elected as hereinbefore prescribed, and by ballot; and such directors shall elect one of their number for president, and shall respectively serve one year, and until others are chosen.

§ 8. The said directors shall meet at such times and places, ^{Duties of} and be convened in such manner as they shall hereafter decide. ^{directors.} Three directors shall form a quorum for the transaction of business, and in the absence of the president they may appoint a president pro tem. The said directors may appoint a secretary, treasurer, and all such other officers as they shall deem expedient, and shall fix the compensation of all the officers of said company, ^{Compensat'n.} and define their duties; and they shall have full power to decide the time, manner, and proportion in which the stockholders shall pay the amount due on their respective shares, and to forfeit to ^{Shares, forfeit.} the use of the company the shares of every person failing to pay any instalment so required within a reasonable period, not less than thirty days after the time by them appointed for the payment thereof; they shall have power to order and superintend all receipts and disbursements, and other proceedings of the said company, by themselves or their agents, and make such bye-laws, ^{Bye-laws, &c.} rules and regulations as they shall deem needful and proper, touching all such matters as appertain to the business and concerns of said company; *Provided,* such bye-laws, rules and regulations are ^{Proviso.} not repugnant to the laws of the United States, or of this territory.

§ 9. The stock of said company shall be transferable and as ^{Stock assigna-} assignable in such manner as the directors shall prescribe; but no transfer shall be valid and effectual, until the same shall be registered upon the books of the company, nor until the person making the same shall have previously discharged all debts due by him to the company.

§ 10. If at any election for directors, any two or more persons ^{Tie, how deci-} shall have an equal number of votes, then the directors who shall ^{ded.} have been duly elected, shall proceed by ballot to determine which

of said persons are directors; and in case of removal from this territory, death, or resignation, of any of said directors, the remaining directors shall proceed to fill such vacancies from among the stockholders.

Make report.

§ 11. It shall be the duty of said directors to make, or cause to be made, annually, on the first Monday of May in each year, a report of the affairs of said company, and file the same with the President for the inspection of any or all of the stockholders of said company, and shall make dividends of so much of the profits as they shall deem advisable for the interest of the company.

Individually
liable.

§ 12. The stockholders in said company shall be liable in their private and individual capacity for the debts of said company, in the same manner, and to the same extent as partners are liable at law for partnership debts; and any person having demands against said company may sue the said company in their corporate name, or any individual liable as aforesaid: *Provided*, that execution shall be first levied upon the property of said company, if any property of said company can be found; and the stock property of said corporation shall be subject to the same taxation as other property, and to be taken and sold on execution to satisfy any debt against said corporation, in such as is or may be provided by law.

May be sued.

Taxable.

Suits not to
abate.

§ 13. Any suit commenced against individuals charged with the debts of the company, shall not be abated because all the parties or stockholders are not named as defendants in such suits.

Repeal.

§ 14. The legislature of the territory or future state of Wisconsin may at any time alter, amend or repeal this act, on notice being given to the president or secretary of said company at least ten days previous to any action being taken thereon by the legislature.

Office, where
kept.

§ 15. The office of said company shall be kept in the town of Prairieville, at such place in said town as the directors of said company may direct.

Partners may
sue other part-
ners.

§ 16. Any person who shall have been made liable as a partner in said company, and has paid any sum of money on account of such liability, may have and maintain an action of assumpsit against any or all of the stockholders in said company, to recover from them the proportion due from each respectively of the demand so paid by him, according to the number of shares by them respectively owned or held, of the stock of said company.

APPROVED, April 4, 1843.

AN ACT to authorize Henry Thien to build and maintain a dam on the Milwaukee river.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That Henry Thien and his associates, successors and assigns To build dam, be, and they are hereby, authorized to build and maintain a dam across the Milwaukee river, upon the north-west fractional quarter of section twenty-three, in township nine north, of range twenty-one east, in the county of Washington, to erect mills or other machinery, or in any other manner to make use of the water for hydraulic purposes, that may be deemed necessary for the facilities of business. *Provided*, that the lands upon which said dam and its appurtenances are constructed shall be owned by the said Henry Thien or his associates.

§ 2. The said dam shall not exceed three feet rise above the Height of dam surface of said river at high water; the said Henry Thien and his associates, successors and assigns, shall construct and maintain in said dam a convenient lock or locks, each eighty feet long, between the gates, and thirty feet wide, in the clear, for the free passage of all boats and other water craft, and shall attend upon the same, and pass and repass all such boats and water craft free of expense to the owners or navigators thereof.

§ 3. The said Henry Thien, his associates and successors, shall construct, and keep in good repair, a sufficient slide, not less than thirty feet wide, and so constructed as not to cause a fall of more than three feet to every twelve feet of smooth surface, to admit of the passage of all rafts of timber, &c. down the said stream.

§ 4. The said dam shall be subject to all the provisions of an act of the legislature of this territory, entitled, "an act in relation to mills and mill-dams," approved 13th January, 1840.

§ 5. The legislature may at any time repeal, alter or amend this act.

APPROVED, March 25, 1843.

AN ACT to legalize the proceedings of the inhabitants of Winnebago county, in the organization of said county.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Election &c. § 1. That the proceedings of the electors of the county of Winnebago, at the election held at the house of Webster Stanley, on the first Monday of April, A. D. 1842, are hereby declared Shall be legal. to be valid and effectual, to all intents and purposes; and the acts and doings of each and every of the county and town officers elected at said election, shall not be impeached or set aside for the reasons of the said elections not having been held at the place designated in the "act to organize the counties of Calumet and Winnebago, and for other purposes," approved February 18, 1842.

APPROVED, March 29, 1843.

AN ACT to authorize Levi Godfrey, Philo Belden, and Hiland S. Hulbert, to build and maintain a dam on Fox river.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Who to build dam. § 1. That Levi Godfrey and his associates, successors, and assigns be, and they are hereby, authorized to build and maintain a dam across the Fox river, upon any part of section eleven and two, town three, range nineteen, in town of Rochester, county of Racine; to erect mills or other machinery; or in any other manner to make use of the water, for hydraulic purposes, that may be deemed necessary for manufacturing facilities. *Provided*, that the said lands upon which said dam and its appurtenances are constructed, shall be owned by said Levi Godfrey or his associates.

Proviso.

Slide.

§ 2. The said Levi Godfrey, his associates and successors, shall construct, and keep in good repair, a sufficient slide, not less than fifteen feet wide in the clear, and so constructed as not to cause a fall of more than three feet to every twelve feet of horizontal surface, to admit of the passage of fish, &c.

Subject to other acts.

§ 3. The said dam shall be subject to all the provisions of an act of the legislature of this territory entitled "an act in relation to mills and mill dams," approved 13th January, 1840.

§ 4. The legislature may at any time repeal, alter, or amend Repeal this act.

APPROVED, March 29, 1843.

AN ACT to authorize the village of Racine to raise money, and for other purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That the trustees of the village of Racine shall have ^{Special tax for} power, for three years, to levy a special tax, not exceeding five ^{harbor.} thousand dollars annually, for the purpose of constructing a harbor at the mouth of Root river.

§ 2. That the said tax shall be levied on the following pro- ^{On what prop-}erty and no other, to wit: all lands, town lots and out lots, which ^{erty.} are not exempted from taxation by the laws of the United States or of this territory, and not including any improvements made thereon, either in building or otherwise.

§ 3. That if the said trustees shall levy such a tax the present ^{Tax list} year, the clerk of said village shall, as soon as he shall be notified thereof, make out tax lists of the same, and deliver the same to the treasurer, within one month, in the same manner as it is his duty to make out tax lists by the fifth and sixth sections of an act passed February 16, 1842, entitled "an act to amend an act entitled 'an act to incorporate the village of Racine.'"

§ 4. That upon the receipt of said tax list, and within one ^{Notice.} month thereafter, the treasurer of said village shall proceed to advertise and collect said taxes, in the same manner as it is his duty to advertise and collect taxes by said act, passed February 16, 1842.

§ 5. That after the present year, the said tax shall be levied ^{Manner of col-}and collected at the same time and in the same manner that taxes ^{lecting.} are required to be levied and collected by said act passed February 16, 1842, except that they shall be levied on lands and lots, exclusive of improvements, as aforesaid.

§ 6. That the tax thus levied for this year shall be a lien on ^{Lien on real es-}real estate from the time of the first advertisement of the treasu- ^{tate.}rer; and that the taxes levied after this year shall be a lien on real estate in the same manner as the taxes mentioned in said act passed February 16, 1842, are to be a lien.

Harbor. § 7. That the trustees of said village be, and they are hereby, authorized and directed to appropriate all of the money raised in pursuance of this law to construct a harbor at the mouth of Root river, and for no other purpose, in such manner as the said trustees may deem expedient.

Tax to be voted for yearly. § 8. No tax shall be levied under the provisions of this act in any year, unless two-thirds of the voters entitled to vote by the tenth section of this act shall have first, in each year, determined to raise such tax; and for the purpose of determining whether such tax shall be raised, the said trustees are hereby authorized, previous to the levying such tax in any year, to order a special election of the voters, as aforesaid, at such time and place, within said corporation, as may be designated by said trustees; and any such election shall be conducted in the same manner as other elections in said village are conducted for corporation purposes. *Provided,* that ten days previous notice be given for holding any such election.

Special election.

Notice of

May sell to United States. § 9. The trustees of said village are authorized to dispose of the works of said harbor to the United States, whenever an appropriation shall be made for such purpose by congress. *Provided,* that if congress make such appropriation, then the sum so appropriated shall be paid to the persons taxed in pursuance of this act, or their legal representatives, and to such other persons as may have contributed towards the construction of said harbor, in proportion to the sums so paid or contributed.

Refund tax.

Voters, qualifications of § 10. No person shall be allowed to vote at the first special election under this act, unless he shall be a freeholder in said village of Racine at the time of the holding such election, and for one month previous to the passage of this law; and at all subsequent elections, no person shall be allowed to vote at any special election under this act, unless he shall be a freeholder in said village.

Names to be recorded. And it shall be the duty of the corporate authorities of said village to cause the name of each person voting at said election to be recorded at length in the book of records of said village, together with his vote in favor or against (as the case may be) the raising the sum of money authorized by this act.

APPROVED, March 30, 1843.

AN ACT to regulate the fees of clerks in cases of naturalization.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That the clerks of the several courts in this territory, for Clerk's fees. services under the several acts of congress upon the subject of naturalization, shall receive the fees hereinafter specified, and no more:

For entering a declaration to become a citizen of the United States, the sum of twenty-five cents;

For a certified copy of such declaration, under the seal of the court, fifty cents;

For entering the final admission of an alien to the rights of citizenship, twenty-five cents;

For a certified copy thereof, under the seal of the court, fifty cents.

APPROVED, April 1, 1848.

AN ACT to authorize the construction of certain dams across the Rock river.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That William H. H. Bailey, A. Hyat Smith, and Charles Dam, how and Stevens, their associates and assigns, be, and they are hereby, au- by whom con-
thorized to erect and maintain a dam across the Rock river, at-
any point they may deem most suitable, on any land they may own
in section number thirty-six, or on any land they own or may own
within eighty rods of the north line of said section number thirty-
six, in town number three, north, of range twelve, east, and to
make use of the water in said stream for propelling any kind of
machinery they may see fit to erect; and they may sell or lease
the right to use said water to any person whatsoever.

§ 2. Said dam shall be raised to such a height as will give a Height of.
fall of not more than two feet nine inches at the present stage of
said Rock river, and shall contain a suitable and convenient lock, Lock, &c.
not less than one hundred and twenty feet long between the
gates, and not less than twenty-four feet wide in the clear of the
chambers, for the passage of boats, barges, and other water-
craft; said lock to be in readiness for the passage of boats, barges,

and water craft at the time of the completion of said dam. And the said Bailey, Smith, and Stevens, their associates and assigns, shall maintain said lock, and shall attend to the passage of all such boats, barges, and water craft, through said lock, free of all charge to the owners thereof.

Height of water, how ascertained.

§ 3. For the purposes of ascertaining the present stage or height of water in Rock river at the place where it is proposed to erect said dam, John P. Dickson, John L. Kimball, and Horace White, shall be commissioners to visit and ascertain the height of water by actual inspection, and that said commissioners shall set up some permanent mounds or posts, and mark the same with the height of water: *Provided*, that such observation shall be made on or before the first day of April next, and provided further, that such examination and ascertainment shall be at the expense of the persons hereby authorized to construct said dam.

Marks.
Proviso.

Slide.

§ 4. The said Bailey, Smith, and Stevens, their associates and assigns, shall, whenever they construct said dam, construct also a slide or chute, in such manner as to allow the passage of rafts over said dam, as well as to permit the ascent and descent of fish in said stream; and the construction of said dam, lock, and slide or chute, shall be commenced within one year, and completed within three years.

Flowing, &c.

§ 5. The said Bailey, Smith, and Stevens, their associates and assigns, shall, in respect to flowing land, the damages to be paid therefor, and the manner of recovering said damages, be subject to all the provisions of an act relating to mills and mill dams, approved January 13, 1840: *Provided*, that this act shall not be so construed as to give the said William H. H. Bailey, and his associates, any authority to set back the waters of Rock river farther than within forty rods of the west line of section fourteen, town three, range twelve.

Dam, where and by whom constructed.

§ 6. That Ira Hersey, A. L. Field, and their associates, successors and assigns, be, and they are hereby, authorized to build and maintain a dam across the Rock river, on any land they own or may own in section number thirty-five or twenty-six, in town one, north, of range twelve east; said dam to be of the same height as the one by this act authorized; and the said Hersey, Field, their associates, successors, and assigns, shall have the same powers and privileges, and be subject to the same limitations and restrictions as are hereby granted or applied to the said Bailey, Smith,

and Stevens, their associates and assigns: *Provided*, said Ira Proviso. Hersey, A. L. Field, their associates, successors and assigns, may construct the said dam four feet above the usual low water mark. The legislature of the territory, or the future state of Wisconsin, may at any time alter, amend, or repeal this act.

§ 7. The said dams shall be placed at the foot of the rapids or Dams and chute, if any, on sections within eighty rods of the north line of locks, where said section thirty-six, or on said sections thirty-five or twenty-six, built. aforesaid, so that the lock shall open to the deep water below the said dam; and the said locks aforesaid sufficient water for a boat drawing three feet of water.

APPROVED, April 1, 1843.

AN ACT in relation to the duties of certain territorial officers.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. All territorial officers, of whom an annual report is re- Report. quired to be made to the legislative assembly by any law of this territory, shall be made on or before the fourth day of April next; and all such officers shall hereafter make their report within eight days of the commencement of each annual session, and at such other times as they shall be required to do so by either house of the legislative assembly.

§ 2. If any officer or officers shall neglect or refuse to comply May be fined. with any of the provisions of this act without sufficient cause, he or they, as the case may be, shall be liable to such fine as shall be determined upon by any court of competent jurisdiction, not exceeding five hundred dollars and costs of prosecution.

§ 3. Prosecutions for the recovery of such fines may be com- Prosecution. menced by any citizen of the territory; and the amount of fine so collected shall be paid into the territorial treasury.

§ 4. This act shall take effect from and after its passage.

Take effect.

APPROVED, March 30, 1843.

AN ACT to abolish certain offices therein named.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Commissioners
to appoint attor-
neys.

§ 1. That the office of district attorney is hereby abolished; and the board of county commissioners, or board of supervisors of the several counties in the territory are hereby authorized and required, from time to time, to employ some capable attorney or attorneys, within their respective counties, who shall perform all the duties now devolving by law upon district attorneys, for which the person or persons so employed shall receive such compensation as the said boards of commissioners or supervisors may determine: *Provided*, that the fees now allowed by law to district attorneys shall be taxed in favor of, and paid into, the county treasury.

Fees.

§ 2. That so much of an act of the statutes of the territory entitled "an act concerning the attorney general and district attorneys," as provided that the attorney general shall receive a yearly salary of two hundred and fifty dollars, is hereby repealed; and the attorney general shall hereafter receive such compensation for his services as the legislative assembly may think proper.

Attorney Gen-
eral, pay of

Proviso.

§ 3. This act shall not be so construed as to repeal the present law in relation to district attorneys, until the boards of county commissioners or supervisors shall have appointed some person or persons in their respective counties to discharge the duties of such office.

April 15, 1843—On re-consideration the bill was passed—the ayes being 10; the noes 2.

JOHN P. SHELDON, Secretary of Council.

Re-considered, and approved by the house of representatives, April 17, 1843—17 member voting for, and 8 against, the bill—and the house consisting of twenty-five members.

JOHN CATLIN, Chief Clerk.

AN ACT to legalize certain township elections, and the official acts of township officers elected in April, 1842.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Elections and
official acts le-
galized.

§ 1. That the elections held on the first Tuesday in April, A. D. 1842, in the several towns in the counties which have adopted

and are governed by the provisions of "an act to provide for the government of the several towns in this territory, and for the revision of county government," approved February 18, 1841, shall not be deemed invalid by reason of any informality in conducting said elections, or in the qualifying of any of the officers so elected, or who conducted any of said elections; but the said elections, and the official acts of the several officers elected in said towns are hereby declared to be legal and valid.

APPROVED, April 1, 1843.

AN ACT to provide for punishing the crime of embezzlement by public officers.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That if any collector or treasurer of any town or county, or incorporate city, town, or village, or the treasurer or other disbursing officer of the territory, or any other person holding an office under any law of this territory, or any incorporated company, who now is, by virtue of his office; or shall hereafter be, intrusted with the collection, safe keeping, receipt, transfer, or disbursement of any tax, revenue, fine; or other money; shall convert to his own use, in any way or manner whatever, any part thereof, or shall loan, with or without interest, any portion of the money intrusted to him as aforesaid; or who shall wilfully neglect or refuse to pay over the same, or any part thereof, according to the provisions of law, so that he shall not be able to meet the demands of any person lawfully demanding the same, whether such demand be made before or after the expiration of his office, he shall be deemed and adjudged to be guilty of an embezzlement of so much of the said moneys as shall be thus taken, converted, used, loaned, or retained; which is hereby declared to be a felony. Officers liable:

§ 2. That any person who shall be guilty of embezzling any money prohibited by this act, not exceeding in amount the sum of one hundred dollars, shall, upon conviction thereof, be punished by imprisonment in the county jail, not less than three nor over twelve months; and any person who shall be convicted of embezzling a greater sum than one hundred dollars, shall be punished by imprisonment, in the state prison, not more than three years, nor less than one year, and by a fine, in each case, of twice the amount so embezzled; and if the court cannot determine, from the Imprisonment:

- Accessory:** verdict of the jury, or otherwise, the amount of the sum embezzled, they shall impose such fine as, in their discretion, shall be adequate and corresponding, as nearly as may be, with the penalty imposed by this section; and every refusal, by an officer, to pay any sum lawfully demanded, shall be deemed an embezzlement of the sum so demanded.
- Refusal to pay specie.** § 3. Any person, demanding of any officer any sum of money, which he may be entitled to demand and receive, who shall be unable to obtain the same, by reason of the money having been embezzled, as aforesaid, if he shall neglect or refuse, for thirty days after making such demand, to make complaint against such officer, shall be deemed an accessory, and, upon conviction thereof, shall be fined in a sum not exceeding one hundred dollars.
- Refusal to pay specie.** § 4. The refusal of any officer to pay any demand in specie, where the sum so demanded was actually received by such officer, in good faith, in checks, drafts, certificates of deposit, or currency, which may have depreciated in value, provided payment be tendered in the checks, drafts, certificates of deposit, or currency, received by such officer, shall not be construed to be an embezzlement, according to the intent and meaning of this act.
- Set-offs not allowed.** § 5. That every officer, or other person, shall pay over the same money that he may have received in the discharge of his duties, and shall not set up any account as a set-off against any money so received; and that all justices of the peace, clerks of the county, sheriffs, and other officers, shall pay into the respective treasuries all the moneys collected on fines, within thirty days after said moneys may be collected.
- Prosecution.** § 6. All prosecutions under this act shall be by indictment, and may be commenced by complaint made before any justice of the peace; and the residue of all fines hereby imposed, exceeding the sum of one hundred dollars, shall accrue to the territory, and all fines of one hundred dollars, after deducting the costs of prosecution, and under, shall accrue to the county in which the conviction is had.
- Fine, where paid.** § 7. All acts and parts of acts, contrary to the provisions of this act, are hereby repealed. This act to take effect and be in force from and after its passage.
- Acts repealed.** § 7. All acts and parts of acts, contrary to the provisions of this act, are hereby repealed. This act to take effect and be in force from and after its passage.
- Take effect.** § 7. All acts and parts of acts, contrary to the provisions of this act, are hereby repealed. This act to take effect and be in force from and after its passage.

APPROVED, April 1, 1843.

AN ACT to change the boundaries of certain towns therein named.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. The district of country comprised in townships number Depere, twenty-one, twenty-two, and so much of township twenty-three, in range twenty-two, as is comprised in sections from numbers thirteen to thirty-six, inclusive, and townships number twenty-one, twenty-two, and twenty-three, in ranges twenty-three, twenty-four, and twenty-five, in the county of Brown, is hereby attached to, and made a part of, the town of Depere, in said county.

§ 2. All of surveyed townships twenty-three, in range twenty-two, not included in the town of Depere, and all that district of country now constituting the towns of Bay Settlement, Pasaukie, Howard, and Oconto, are hereby attached to, and made a part of the town of Green Bay.

§ 3. The district of country as follows, to wit: surveyed townships twenty-one and twenty-two, in ranges eighteen and nineteen, and township twenty-one, in range twenty and twenty-one, south and east of Fox river, in the county of Brown; and the district of country on the west and north of said river, bounded as follows, to wit: on the west by the range line extended north between ranges seventeen and eighteen, east; on the north by the north line of the grant to Eleazar Williams, extended northwestwardly until it intersects said range line last mentioned, and on the east and south by the Fox river, are hereby declared to be and constitute the town of Kaukaulin, in said county.

§ 4. The town of Butte des Morts, in the county of Winnebago, shall hereafter be known by the name of Winnebago, and shall embrace all the district of country included in the limits of said county.

§ 5. Future elections and town meetings in the town of Winnebago, shall be held at the house of Webster Stanley, in said town, until otherwise ordered by a vote of the electors thereof, as authorized by law. Election, where held.

APPROVED, April 1, 1843.

AN ACT to authorize Silas Peck and David L. Wells to construct and maintain a dam across the Fox river.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Authority to build dam.

§ 1. That Silas Peck and David L. Wells be and are hereby authorized and empowered to build and maintain a dam across the Fox river, in the county of Racine, on section thirty-two, in township three north, of range nineteen east of the fourth principal meridian, on any lands owned, or to be owned by them, sufficient to create a head of five feet water, and to make use of the same for hydraulic purposes.

Slide or chute.

§ 2. That the said dam, when so constructed, shall contain a slide or chute, not less than fifteen feet wide in the clear, and having a fall of not more than three feet in twelve of smooth surface, for the free passage of fish.

When to be completed.

§ 3. The said dam shall be built and completed within the period of two years from the first day of July, eighteen hundred and forty-three, or all the privileges herein granted shall be null and void.

To what law subject.

§ 4. That the general law, approved January 13th, 1840, relating to mills and mill-dams, shall be and hereby is declared to be applicable to any dam which may be constructed by virtue of this act.

Power to alter, amend, &c.

§ 5. This act may be altered, amended, or repealed at any time, by the legislature of this territory, or the future state of Wisconsin.

APPROVED, April 1, 1843.

AN ACT to legalize the official acts of James H. Lockwood.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Acts declared legal.

§ 1. That the official acts of the said James H. Lockwood, heretofore performed by him, as judge of probate for the county of Crawford, shall in no wise be affected for the reason that the said acts were performed by him after his term of service as such judge of probate had expired; but all such official acts, and every pro-

ceeding of said James H. Lockwood, as such judge of probate, are hereby declared to be as legal and valid, as though the term of service of the said James H. Lockwood had not expired when the said official acts were performed, and said proceedings were had.

§ 2. This act shall take effect from and after its passage. Take effect.

APPROVED, April 7, 1843.

AN ACT to authorize the register of deeds of Washington county to procure certain records in the office of the register of deeds of Milwaukee county.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That the register of deeds of Washington county is hereby required to procure from the records in the office of the register of deeds of Milwaukee county, true and exact copies of the records of all deeds, mortgages, and other instruments recorded in the office of register of deeds of said county of Milwaukee, which relate to or affect lands or real estate situate within the limits of Washington county, and record the same in a book, or books, to be procured by him for that purpose. Records, by whom and how obtained.

§ 2. That the register of deeds of Washington county shall affix to said records, so copied, a certificate, under oath, stating that, as such register, he procured the said records in pursuance of this, and that they are true and exact copies of all such original records. Certified to.

§ 3. That the register of deeds of Milwaukee county shall permit the register of deeds of Washington county to have access to the records of his office, for the purpose of procuring such copies. Permit to take copies.

§ 4. The copies of such records, made and certified as herein provided, shall have the same force and effect as the original records. Effect.

§ 5. The register of deeds of Washington county shall be paid from the treasury of said county for performing the duties herein enjoined upon him, and for arranging and preparing an alphabetical index to the records by him copied, the same compensation to which he is now entitled by law for recording deeds and other papers. Compensation of register.

To take effect. § 6. This act shall take effect from and after its passage.

APPROVED, April 5, 1843.

AN ACT for the collection of certain taxes in the county of Milwaukee.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Transcript
roll, how made
and to whom
delivered.

§ 1. That the town clerk of the town of Summit, in the county of Milwaukee, is authorized and directed forthwith to make out and issue the transcript roll of said town, for the year A. D. 1842, including the town and county tax of said town for said year, to the collector thereof, pursuant to sections three, four and five, of part four, chapter nine, of the act entitled "an act to provide for the government of the several towns of this territory, and for the revision of county government."

Duties of col-
lector.

§ 2. And said collector is authorized and directed to collect the taxes mentioned in such transcript roll, so to be issued to him, in the same manner as he is required to collect town and county taxes by said act; and to make return of said roll, together with the precept and his doings thereon, pursuant to said act, to the office of said clerk, on or before the first day of June next.

Delinquent
lands, returned
and sold.

§ 3. And said clerk shall, on or before the first day of July next, make return of such delinquent lands in said town, as may appear from the return of said collector, and the taxes thereon, agreeably to the provision of said act; which lands, so returned, may be sold in the same manner as other delinquent lands, required to be returned by said act, are sold.

To take effect.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED, April 6, 1843.

AN ACT to authorize Clouden Stoughton and Luke Stoughton to build and maintain a dam across the Rock river; and also to authorize Anson W. Pope and Virgil Pope to build and maintain a dam across said stream.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Dam,

§ 1. That Clouden Stoughton and Luke Stoughton, their as-

sociates, successors and assigns, be and they are hereby authorized by whom constructed. to erect and maintain a dam across the Rock river, on any land they may own on section number twenty-one, in town number four, in range twelve, or on section number sixteen, if thereunto authorized by competent authority, and to make use of the water in said stream for propelling any kind of machinery they may see fit to erect; and they may sell or lease the right to use said water to any person whatever.

§ 2. Said dam shall not be raised more than four feet above the ordinary height of water in said stream, and shall contain a suitable and convenient lock, not less than one hundred and twenty feet between the gates, and not less than twenty-four feet wide in the clear of the chamber, for the passage of boats, barges and the other water craft; said lock shall be in readiness for the passage of boats, barges and other water craft, at the time of the completion of said dam. And the said Clouden Stoughton, Luke Stoughton, their associates, successors and assigns, shall maintain said lock, and shall attend to the passage of all such boats, barges and water craft through said lock, free of all charge to the owners thereof: *Provided, further*, that said lock shall be so constructed as to convey boats, barges and other water craft through said lock to the deep water below the rapids on which the said dam shall be constructed. Dimensions of dam, &c.

§ 3. The said Clouden Stoughton and Luke Stoughton, their associates, successors and assigns, shall, whenever they construct said dam, construct also a slide or chute, in such manner as to allow the passage of rafts over said dam, as well as to permit the ascent and descent of fish in said stream; and the construction of said dam, lock and slide or chute, shall be commenced within one year, and completed within three years. Lock.

§ 4. The said Clouden Stoughton and Luke Stoughton, their associates, successors and assigns, shall, in respect to flowing land, the damages to be paid therefor, and the manner of recovering said damages, be subject to all the provisions of an act relating to mills and mill-dams, approved January thirteenth, eighteen hundred and forty. Subject to former law.

§ 5. That Anson W. Pope and Virgil Pope, their associates, successors and assigns, be and they are hereby authorized to erect and maintain a dam across Rock river, on any land they may own in sections number fourteen and fifteen, in town number three To construct dam, &c.

Proviso.

Ib.

Provision.

north, of range twelve east, of the same height as the one, the construction of which is herein above authorized. And the said Anson W. Pope and Virgil Pope, their associates, successors and assigns, shall have the same privileges, and be subject to all the limitations and restrictions, which are by this act granted or applied to the said Clouden Stoughton or Luke Stoughton, their associates, successors and assigns: *Provided*, however, that the said Anson W. Pope and Virgil Pope, their associates, successors and assigns, shall have power to construct a canal on or over any part of said sections, numbers fourteen and fifteen, which they may own; which canal shall contain not less than three feet of water, and shall be of capacity sufficient to receive a boat or barge twenty-four feet wide, and shall contain a lock, in all respects like the one above described: *Provided, further*, said canal, and the lock in it, shall be so constructed as to convey boats, barges and other water craft around any rapids within eighty rods of the said dam, and to permit the said boats, barges and other water craft to enter the said river in deep water below said rapids; and the said Anson W. Pope and Virgil Pope, their associates, successors and assigns, shall attend to the passage of boats, barges and other water craft, free of charge.

§ 6. In case the said Anson W. Pope, Virgil Pope, their associates, successors and assigns, shall construct the canal and lock as above provided, it shall not be necessary to construct a lock in the said dam.

§ 7. This act may at any time be repealed by the legislature.

APPROVED, April 7, 1843.

AN ACT to amend an act, entitled "an act to provide for the government of the several towns in the Territory, and for the revision of county government."

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Supervisors
to annex cer-
tain towns.

Duties of of-
ficers.

§ 1. If there shall be any portion of any county which shall not be embraced in the limits of an organized town, the board of supervisors of such county shall have power to annex such portion not so embraced, to any adjoining organized town, for all township purposes; and the powers and duties of the town officers of such organized town, and of said board of supervisors, shall ex-

tend to and be exercised over the portion of country so annexed, the same as if it constituted a part of such town.

§ 2. Should any town, from any cause, neglect to make out ^{Proceedings in} and return to the board of county supervisors their assessment ^{case of neglect} roll, as required by law, it shall be lawful for such county board to ^{to return as-} proceed in the usual manner to levy the county expenses for such year, upon such towns as shall have made returns as aforesaid.— ^{essment roll,} But in all such cases, it shall be the duty of the county board for the next ensuing year, to apportion upon such town double the amount of such town's portion of taxes for the year so omitted, (the amount being ascertained by themselves from some former assessment,) and such town shall forfeit an equal amount, in addition to its yearly portion of county taxes for every year, until the assessments shall be made and returned according to law: *Provided*, ^{Proviso.} however, that if such omission to make or return the assessment as aforesaid, shall be caused by the refusal or inability of any town officer to discharge the duties required of him by law, it shall be lawful for the supervisors of such town to appoint some other person or persons, as the case may be, to perform such duties, and the said appointment shall be valid in law; and the persons thus appointed, shall be subject to all the provisions of law applicable to such officer: *And provided, also*, that the town su- ^{Ib.} pervisors shall have the same authority to appoint a collector under like circumstances, and the provisions of law shall apply in the same manner to such collector.

§ 3. If any town, at its annual town meeting, shall by vote de- ^{Duties of su-} termine not to elect separate boards of assessors, commissioners ^{pervisors.} of highways, or commissioners of common schools, or from any cause shall fail to elect such officers, the supervisors of such town shall do and perform all the duties, and be subject to all the provisions pertaining to any such office, whose duties they may be thus required to perform.

§ 4. At all general and other elections, except town meetings, ^{Poll lists, du-} two poll lists shall be kept by the clerks of the election, on which ^{ties of inspect-} shall be entered the name of each person whose vote shall be re- ^{ors.} ceived; and the canvass of votes shall commence by a comparison of the poll lists, and the correction of any mistake that may be found therein, until they shall be found or made to agree; before the ballots are opened, they shall be corrected and compared with the corrected poll lists, and if the ballots shall be found to exceed

in number the whole number of votes on the poll lists, they shall be replaced in the box, and one of the inspectors shall publicly draw out and destroy so many ballots unopened as shall be equal to such excess. If two or more ballots shall be found so folded together as to present the appearance of a single ballot, they shall be destroyed. Any member of the board of inspectors of election may act as a clerk of election; but every person acting as such clerk, shall, before any votes are received, take the oath required of such clerk by the act, entitled "an act to provide for and regulate general elections."

Clerk to take oath.

Poll book, how kept and delivered.

§ 5. The board of inspectors shall enclose and seal one of the poll books, under cover, directed to the clerk of the board of county supervisors of the county in which such election was held; and the packet thus sealed, shall be conveyed by one of the judges or clerks of the election, to be determined by lot, if they cannot otherwise agree, and delivered to the clerk of the board of supervisors, at his office, within nine days from the close of the polls; and the other poll book shall be deposited with the town clerk of the town where the election is held; and the said poll books shall be subject to the inspection of any elector who may wish to examine them; and if any judge or clerk of any election, after having received, or being deputed to carry the poll book of such election, as aforesaid, shall fail or neglect to deliver such poll book to the clerk of the board of county supervisors, within the time prescribed by law, save, with the seal unbroken, he shall, for every such offence, forfeit and pay the sum of five hundred dollars, for the use of the county, to be recovered by an action of debt, in the name of the board of county supervisors, in the district court.

Fine, imposed and collected.

Acts in force,

§ 6. All the provisions of the act, entitled "an act to provide for and regulate general elections," so far as applicable and not inconsistent with the provisions of this act, and the act of which this is amendatory, shall apply to and be in force as to all elections, except town meetings, in the several counties which have adopted the town and county system of government.

Town meetings.

§ 7. When the election at any town meeting is by ballot, the clerk of such meeting shall, before acting as such, take an oath and keep a poll list, as specified in the fourth section of this act; and at the close of the election the ballots shall be compared with the poll list, and the like proceedings shall be had in all respects in canvassing the votes as is required in the said last named sec-

tion. The poll book kept at every town meeting shall be deposited with the town clerk.

§ 8. The reading of the statement of the result of the canvass ^{Notice of the result.} by the clerk of any town meeting, as required by law, shall be deemed notice of the result of the election to every person whose name shall have been entered on the poll list as a voter.

§ 9. The town clerk of every town, within ten days after any ^{Notice of election.} town meeting, shall transmit to each person elected to any town office, whose name shall not have been entered on the poll list as a voter, or when no poll list shall have been kept, a notice of his election.

§ 10. The canvass of the votes given at any town meeting, or ^{Canvass.} election, may be had or continued after sun-down.

§ 11. Any person elected or appointed to the office of town ^{File oath.} clerk, may file his oath of office as soon as the same shall be taken and duly certified.

§ 12. The time allowed to the collectors of the several towns ^{Time of making returns.} in which to make returns of their transcript rolls, together with their precepts and doings thereon, to the town clerks office, is hereby extended to the third Monday of January, in each year; and the time allowed such collectors in which to pay over the amount of all taxes collected by them, is hereby extended to the fourth Monday of January in each year.

§ 13. Hereafter, the town clerks of each town shall make out ^{Clerk, duty of.} and forward to the county treasurer of the proper county, the certificate and attested copy of the collector's affidavit, as required by the tenth section of part first, chapter tenth, of the act of which this is amendatory, on or before the first Monday of January in each year.

§ 14. No collector or his sureties shall be liable on his bond, ^{Collectors, not liable.} as provided by the thirteenth section of part first, chapter tenth, of the act of which this is amendatory, for failing to pay over to the treasurer of any county, as required by law, any portion of the tax due such county, provided it shall be made to appear that such portion, not paid over, could not be collected on the precept or warrant of such collector.

§ 15. If, after the supervisors have made out the corrected ^{Land omitted in assessment.} assessment rolls, it shall be ascertained that any land or property liable to taxation, and which should be included therein, is not so included, by reason that the same has not been assessed, or from

any other cause, then it shall be the duty of the town supervisors of the proper town, at any time before the first Monday of January next, thereafter, to assess such land or property so omitted; if not already assessed for that year, and after ascertaining the amount of town, county, and territorial taxes payable thereon, in the proper columns of the tax roll of said town, with the name of the owner, if known, and the description of the land; and such taxes, so entered, shall be collected in the same manner that other taxes are collected; and the lands so assessed, in case the taxes thereon are not paid, shall be returned and sold in like manner as delinquent lands contained in the original transcript roll: *Provided*, however, that no land so added to the transcript roll, shall be assessed higher than any other lands, in the same town, of equal value, and that all lands and other property may, within twenty days after they shall be so added, be liable to be reduced in valuation by the town supervisors, in the manner provided by law for ascertaining the value of real and personal property liable to taxation.

Proviso.

Tax omitted.

§ 16. Whenever any assessor shall discover, during the time he is making his assessment, that there are tracts of land, town lots, or chattels, subject to taxation, in his town, which were liable to taxation in said town, and were omitted by the assessors, in one or more preceding years, he shall enter the same upon his roll, noting distinctly the years in which such omission was made, in the same manner as the assessment for the current year; but no such assessment shall be made for a longer period than one year back; and such assessment shall have the like force and effect as assessments made at the proper time, and the tax due thereon shall be charged and collected with the revenue of the year in which such assessment is made and levied; and town lots shall be subject to the taxes omitted, to be assessed as aforesaid, in whose hands soever they may come.

Tax sale, returns of, &c.

§ 17. The several county treasurers shall, as soon as may be, after the close of any sale of lands for taxes, return to the clerk of the board of county supervisors, in their respective counties, all papers and notices in relation to such tax sale; also a particular description of all tracts of land and town lots, designating the quantity of each sold by them, the names of the persons to whom sold, the amount for which each tract, part of tract, or lot, was sold, together with the names of the respective owners, if known;

and the said clerk shall record all such returns, so made to him, in a book of record, to be preserved in his office, and at all sales of lands and town lots hereafter had for the collection of any tax authorized by law, in any county of this territory, if a sum sufficient to pay the amount of said taxes and charges shall not be offered by any bidder, for any of the tracts of land or town lots so offered for sale, it shall be the duty of the officer conducting such sale to strike off, in the name of the treasurer of the proper county, all such lands or town lots not bid for, and execute to such treasurer a certificate of sale, as provided by law, for such tract or town lot; and it shall be the duty of such treasurer to exchange and assign such certificate to any person desiring such exchange or assignment, having drafts or warrants upon him of an amount equal to, or greater than, that mentioned in said certificate: *Pro-Provido.* *vided*, that the treasurer shall not exchange or assign any such certificate for less than the par value thereof, and interest allowed by law for such certificate.

§ 18. The supervisors of the several towns may issue town Town orders. orders for any sums due from their respective towns, which shall be received in payment for the town taxes of the same town in which they were issued.

§ 19. Appeals may be taken from all the decisions of any Appeals. board of county supervisors to the district court of the same county, by any person or persons aggrieved thereby, in the same manner that appeals may be taken from the decisions of the boards of county commissioners.

§ 20. Whenever there shall be a contested election between Contested two or more persons for the office of chairman of the board of su- election. pervisors, in any town, the board of county supervisors shall determine, on examination, which of the contestants is duly elected, and entitled to that office.

§ 21. If any assessor elected in any town, and required by Neglect or re- law to serve as such, shall neglect or refuse to perform the duties ^{usual to serve.} of his office; or if any person elected town clerk, if required by law to serve as such, shall neglect or refuse to make out and deliver to the collector of such town a transcript roll and precept, as required by law, such assessor or town clerk, so neglecting or refusing, shall be liable to a fine of not less than one hundred nor more than five hundred dollars, to be collected by the board of county supervisors, in an action of debt, for the use of the county.

Organization. § 22. All towns now organized, and in which no town meeting has been held, and all towns hereafter to be organized, shall organize, hold and conduct their first town meeting in the same manner as is provided by the act of which this is amendatory, for holding the first town meetings organized by said act; and such first town meeting shall be held on the day established by law, and no previous notice thereof shall be requisite.

Town meeting when and where held. § 23. When in any year no place shall be fixed by any town for holding its subsequent annual town meeting, it shall be held at the place where it was held the year immediately previous; and all general elections shall be held at the place in each town where the last town meeting was held: *Provided, however,* that the supervisors of any town may, when they shall deem it necessary, appoint some other place for holding any town meeting or election; in which case they shall give notice of the place of holding the same, by posting notice thereof in three of the most public places in their town, three days previous to any such town meeting or election; and, *Provided further,* that the supervisors of the town shall have power, when in their opinion the convenience of the inhabitants requires it, to appoint two or more places in such town for opening the polls and holding the general election, giving the like notice of the places so appointed by them; and, *Provided further,* that no such alteration of the place of holding town meetings shall be made in any town which shall have established the same by vote, as authorized by law, except in case of the destruction of such house by fire or otherwise.

Appoint another place.

Ib.

Ib.

Brands, &c. § 24. It shall be the duty of the town clerk, in each town, on the application of any person residing in the same town, to record a description of the marks or brands with which such person may be desirous of marking his horses, cattle, sheep, or hogs; but the same description shall not be recorded for more than one resident of the same town.

Chattel mortgage. § 25. Any mortgage of personal property may be filed in the office of the town clerk where the mortgagor executing the same resides; or, in case he is a non-resident of the territory, in the town where the property mortgaged may be at the time of executing the same; and such town clerk shall endorse thereon the time of receiving such mortgage, and shall keep the same in his office for the inspection of all persons interested; and such mortgage, so filed, shall be as valid and binding as if the same had

been recorded in the office of the register of deeds. For recording any mark or brand, the town clerk shall be allowed twelve and a half cents; for giving a certificate of the same, when required, twelve and a half cents; and for filing a chattel mortgage, six cents.

OF COMMON SCHOOLS.

§1. Every school district which has been, or shall hereafter be, set off and organized according to law, shall be a body corporate and politic, capable of contracting and being contracted with, of suing and being sued, by its name or number; and the trustees of any such district are hereby authorized to conduct and manage for such district, any suit or proceeding for or against the same.

§2. All school districts heretofore organized under any law in existence at the time of their organization, shall be held to be regularly organized, and need not be re-organized, any law to the contrary notwithstanding. And every school district may at any annual meeting determine in what manner future district meetings shall be notified.

§3. The school commissioners of any town shall have power to call a district meeting in any district where no way has been provided at any annual meeting, whereby future meetings shall be held, or when no annual meeting has been held, and shall cause notices to be posted in three or more public places in said district, of the time when and place where said meeting shall be held, at least ten days before said time specified in said notices; and such meeting shall have the same power, in all respects, as the annual meeting.

§4. Any school district may vote a tax to purchase or lease a site for the district school house, and to build, hire, or purchase, keep in repair, and furnish such school house with the necessary appendages, not exceeding the sum of two hundred dollars in any one year, unless the commissioners of common schools of the town in which such district may be, shall certify in writing that in their opinion a larger amount ought to be raised, and shall certify the sum; in which case a sum not exceeding the amount so certified shall be raised: *Provided*, that in no case shall a sum exceeding three hundred dollars be raised for the purposes contemplated in this section. All school taxes shall be assessed in the manner now provided by law.

§5. It shall be the duty of every person sending a child to school, to provide his just proportion of fuel for such school, which

proportion shall be determined by the trustees of the district, according to the number of children sent by each; but such indigent persons as in the judgment of the trustees shall be unable to provide the same, shall be exempted from all such liability.

Neglect to furnish. § 6. If any person liable to provide such fuel shall omit to provide the same, on notice from any one of the trustees, it shall be the duty of the trustees to furnish the fuel, and charge to the persons so in default the value of, or the amount paid for, the fuel furnished.

Moneys, how collected. § 7. Such value or amount may be added to the rate bill of the moneys due for instruction, and may be collected therewith, and in the same manner, or the trustees may sue for and recover the same in their name of office, with costs of suit.

Warrant. § 8. The warrant annexed to any tax list shall be under the hands of the trustees, or a majority of them; and shall command the collector to collect from any person, and from all property taxed in such list, the sum therein assessed, together with his fees, within sixty days from the date thereof; and such collector shall, within thirty days thereafter, personally demand the same of the persons charged therewith, if they be found within his town; and if such tax be not paid before the expiration of said thirty days, such district collectors shall then collect the same by distress and sale of personal property, in the same manner as town collectors are authorized to collect town and county taxes; and if the tax assessed on real property shall remain unpaid for the space of one month after the expiration of the time prescribed for the collection thereof, as aforesaid, provided sufficient personal property cannot be found on which to levy the same, the district collector shall report on affidavit the list of such delinquent taxes to the town clerk of the town in which such school district may be; and such clerk shall, in making out the duplicate assessment roll next thereafter, enter such delinquent taxes in a separate column thereon, to be collected in the same manner as other taxes; and said taxes, when so collected, shall be paid over to the district collector of the proper district, for the use of his district: *Provided, that* when there shall be a part of a school district in any town, the district collector shall make his returns, as aforesaid, to the town clerk of the town in which such part of any district shall be.

Previso: § 9. The warrants issued by trustees of school districts for the collection of rate bills, shall be issued and executed in the same

manner; and shall have the like force and effect, as warrants issued by them on tax lists.

§ 10. If the sum or sums of money payable by any person ^{May renew.} named in any tax list, or rate bill, issued by the trustees, shall not be paid by him, or collected by such warrant, within the time therein limited, it shall and may be lawful for the trustees to renew such warrant for thirty days, in respect to such delinquent person; or in case such person shall not reside within their district at the time of making out a tax list or a rate bill, or shall not reside therein at the expiration of such warrant, and no goods or chattels can be found therein whereon to levy the same, the trustees may sue for and recover the same in their name of office.

§ 11. Whenever there shall be a deficiency of moneys to pay Levy tax. the teacher of any school district, after the return of the warrant issued on the rate bill, it shall be lawful for any school district to assess and collect a tax on all the actual residents in such district, in the same manner that they are authorized to assess and collect taxes for building school houses: *Provided*, that no tax to ^{Proviso.} pay such deficiency shall be raised, unless two-thirds of all the legal voters attending the meeting when such tax shall be voted to be raised, shall vote in favor thereof.

§ 12. All the moneys apportioned by the commissioner to any ^{Where no} district, or separate neighborhood, which shall have remained in ^{school.} the town treasury for two years after such apportionment, by reason of the trustees neglecting to make the necessary returns to the clerk's office, as is provided by law, or by reason of their neglecting or refusing to receive such money, or because no school has been kept in such district, part of a district, or separate neighborhood, by a qualified teacher to whom such money may be paid, then such moneys so remaining shall be added to the moneys next thereafter to be apportioned by the commissioners; and shall be apportioned and paid therewith, and in the same manner.

§ 13. Every free white male inhabitant of twenty-one ^{Voters, qualif-} years ^{cations of.} of age or upwards, who shall have resided in any school district for three months immediately previous to any district meeting, and who shall have paid any tax, or have had any tax assessed against him in the same year in which said meeting may be held, or the year next preceding, shall be allowed to vote at such meeting, and no other person shall vote at such meeting.

THE LAYING OUT OF PUBLIC AND PRIVATE ROADS, AND OF THE ALTERATION AND DISCON- TINUANCE THEREOF.

Alter roads.

§ 1. Any six or more freeholders of any town may apply to the commissioners of highways of the town in which they shall reside, to alter or discontinue any road, or to lay out any new road. Every such application shall be in writing, addressed to the commissioners of highways, and signed by the persons applying for the same.

Survey to be recorded.

§ 2. Whenever the commissioners of highways shall lay out, alter, or discontinue any road, upon application or otherwise, they shall cause a survey or description to be made of such road; and shall incorporate such survey in an order to be signed by them, and to be filed and recorded in the office of the town clerk, who shall note the time of receiving the same.

Where road shall not be laid.

§ 3. No public or private road shall be laid out through any orchard or garden, without the consent of the owner thereof, if such orchard be the growth of two years or more, or if the same have been cultivated for two years or more, before the laying out such road; nor shall any such road be laid out through any building, or any fixtures or erections for the purpose of trade or manufacture, or any yards or enclosures necessary to the use and enjoyment thereof, without the consent of the owners.

Improvements appraised.

§ 4. No highway shall be laid out through enclosed, improved, or cultivated lands, without the consent of the owner or occupant thereof, except the same shall be appraised, and damages awarded to such owners, as is hereinafter provided for.

Notice of application.

§ 5. Upon the application of six or more freeholders as aforesaid, for the laying out of a highway through any land, the commissioners of highways shall, thereupon, cause notice in writing to be posted up in three of the most public places of the town, (and which notices shall be posted up by the persons applying therefor,) specifying, as near as may be, the commencement and route of the proposed highway, the several tracts of land through which the same is proposed to be laid, if known, and the time and place at which the said commissioners will meet to make such examination and survey; and which notices shall be posted up, as aforesaid, at least six days before the said meeting. Should there be residents upon any of the lands proposed to be crossed by such roads, the commissioners shall require the applicants to serve each

of such residents with a copy of the said notice, or to leave a copy at his or her usual place of abode, at least three days before the time of such meeting.

§ 6. Upon being satisfied that the notices required by the preceding section have been given, as aforesaid, which may be shown by affidavit or otherwise, the commissioners shall then proceed to examine, personally, such highway, and shall hear any reasons that may be offered for or against laying out the same. If they shall be of the opinion that such highway is necessary and proper, they shall proceed to lay out the same. Commissioners shall examine.

§ 7. Having laid out such highway, the commissioners shall make out and subscribe a certificate, describing the road so laid out, particularly, by metes and bounds, and by its courses and distances, which shall be left with the town clerk, and filed as herein before required. Shall describe.

§ 8. The damages sustained by reason of the laying out and opening such road, may be ascertained by the agreement of the owner and commissioners of highways; but when such agreement cannot be made between the owner of the land and the commissioners, the same shall be made by the appraisal of the commissioners of highways, they being first duly sworn well and truly to appraise the damages under consideration. Damages, how assessed.

§ 9. Every such appraisal, release, or agreement, shall be signed by such commissioners, and filed in the town clerk's office as aforesaid; and such agreement or release shall forever preclude such owner from all farther claim for such damages. Where filed.

§ 10. If any person through whose land such road or highway is located, shall consider himself aggrieved by such appraisal or assessment of the damages of such road by the commissioners, he may apply to a justice of the peace within thirty days thereafter, who shall, upon such application, issue a precept to some constable of an adjoining town, neither interested nor of kin to any person interested in the land through which said road is laid, directing him to summon six disinterested freeholders of the town where such constable shall reside, and not of kin to the owner of such land, to re-assess the damages sustained by the laying of such road; and the said justice shall therein specify the time and place at which the said freeholders or jury shall meet: *Provided, however,* that such justice shall not be authorized to issue such precept until such applicant shall give to the commissioners of high- Justice to summon jury. Proviso.

ways, good and sufficient bond of indemnity, with one or more sureties, to be approved by such justice, conditioned to pay all costs arising from such appeal and re-assessment of damages, in case the jury should not award a larger amount of damages than was appraised by the commissioners of highways.

Jury of four. § 11. Upon such juries appearing, the justice of the peace shall draw, by lot, from of the names of the persons attending to serve as a jury, and the first four of the persons drawn who shall be free from all legal exceptions, shall be the jury to assess the said damages.

Hear evidence, &c. § 12. In all cases of the assessment of such damages, the persons or jury by whom the assessment is to be made, shall view and examine the premises, if required, or they deem it proper, and hear testimony, if necessary, having been previously sworn faithfully and impartially to discharge their duty, and shall make return of their assessment, under their hands, to the justice aforesaid.

Applicant to pay costs. § 13. If the award of the said jury shall not exceed the assessment of the commissioners of highways, the applicant or applicants for such jury shall pay all costs; but if the award shall exceed the said assessment of the commissioners, the amount of damages as finally settled by the jury, or as assessed by the commissioners as hereinbefore provided, together with the charges of the commissioners of highways, or of the jury, as the case may be, and the expenses of other persons and officers employed in making the survey or the assessment, shall be levied and collected within the town within which the highway shall be situated, and shall be paid by order of the commissioners of highways to the several persons to whom the same shall of right belong; the same having been previously audited and allowed, as other town accounts.

Powers of commissioners § 14. The commissioners of highways shall also have authority to alter and discontinue any town roads, and shall proceed in all respects agreeably to the foregoing provisions for laying out new roads, and shall make returns in like manner to the town clerk.

Damages, how appraised in certain cases. § 15. When any person shall be the owner of any land over which any highway shall run, and such highway shall be discontinued in whole or in part, by reason of some other road to be established and laid out under this chapter through the land of the same person, the persons who shall assess the damages shall take into calculation the value of the road so discontinued and the ben-

profit resulting to such person by reason of such discontinuance, and shall deduct the same from the damages assessed for the opening and laying out of such road; and thereupon the owner of the land may enclose so much of the highway so discontinued as shall belong to him.

§ 16. Whenever a disagreement shall take place between the commissioners and the owner or owners of any land so taken and used, the same provisions shall apply as are provided for in the assessment of damages when new roads are laid out. Disagreement of com'rs, how determined.

§ 17. Whenever it shall become necessary to have a highway upon the line between two towns, such highway shall be laid out by two or more of the commissioners of highways of each of said towns, either upon such line or as near thereto as the convenience of the ground will admit, and they may also vary the same either to the one side or other of such line, as they may think proper. Road on town line.

§ 18. When the commissioners of highways of any town shall disagree with the commissioners of any other town, in the same county, relating to the laying out of a new road, or the alteration of an old road, extending into both towns; or when the commissioners of a town in one county disagree relative to the laying out a new road, and the altering of an old road, which shall extend into both counties, the commissioners of both towns shall meet together, at the request of either disagreeing commissioners, and make their determination upon such subject of disagreement. When com'rs disagree.

§ 19. It shall be the duty of the commissioners when they shall lay out any highway upon the line between two towns, as contemplated by section seventeen, to divide it into two or more districts in such manner that the labor and expense of opening, working and keeping in repair such highway through each of said districts may be equal as near as may be; and to allot an equal number of the said districts to each of said towns. Roads to be districted and worked.

§ 20. Each district shall be considered as wholly belonging to the town to which it shall be allotted, for the purpose of opening and improving the road and for keeping it in repair; and the commissioners shall cause such highway, and the partition and allotment thereof, to be recorded in the office of the town clerk in each of their respective towns. District established and recorded.

§ 21. All highways heretofore laid out upon the line between any two towns shall be divided, recorded, and kept in repair, in the manner above directed.

Old roads on
town line.

§ 22. The commissioners of highways shall also have authority to lay out and establish private roads through the land of any person or persons, upon the application of any freeholder whose residence shall be excluded from public highway, and for such purpose shall proceed in all respects, so far as the same shall be applicable, as required for laying out new roads: *Provided*, also, that the damages of the owner or owners of land through which such road shall be laid out, shall be ascertained and assessed in the same manner as if the same were a public highway; and provided, also, that all such damages and costs shall be paid by the person applying for such road.

Proviso, dam-
ages assessed
and paid.

Width of
roads.

§ 23. All public roads to be laid out by the commissioners of highways of any town shall not be less than three rods wide, and all private roads shall not be more than three rods wide.

Papers to be
filed.

§ 24. All applications, certificates, and other papers relating to the laying out, altering, or discontinuing, any public or private road or highway, shall be filed by the commissioners of highways as soon as they shall have decided thereon, in the office of the town clerk of the town.

Objections to
commiss'n's.

§ 25. Whenever any one or more of the commissioners of highways shall be interested in any lands over which any road or highway, or any private way, is petitioned to be laid out, or whenever any such commissioner shall be interested in the alteration of any old road, the town clerk shall be authorized to detail by lot, under his hand and certificate, one or more of the supervisors of the town, not disqualified as aforesaid, to fill the vacancy or vacancies in the board of commissioners of highways occasioned by reason of any such interest, in which case such supervisor or supervisors so detailed shall constitute a part of the board of commissioners of highways for such purpose; but it is herein *Provided*, that no such authority shall be exercised by such clerk without satisfactory proof being made, or being within the knowledge of such clerk, that the commissioner or commissioners objected to is or are interested as aforesaid; and, *Provided*, also, that no such alteration in the board of commissioners of highways shall be made, unless such commissioner or commissioners shall be objected to for the reasons aforesaid, by some person interested in such road, on or before the day appointed for viewing and locating the same.

Proviso.

§ 26. Whenever ordered by the board of commissioners of Clerk. highways, the town clerk shall act as clerk of said board.

MISCELLANEOUS PROVISIONS IN RELATION TO ROADS.

§ 1. The following amendment shall be made to chapter eleven, to wit: part first, section eleven, shall be so amended as to provide that no overseer of highways shall receive more than one dollar per day for any excess of highway labor over and above his taxes; part three, section four, is so modified that whenever any person shall elect to commute the whole or any part of his highway tax, he may do so by paying one dollar for each day's work thus commuted. Amendment.

Section nineteen, of part three, is hereby so amended as to provide that in computing the amount of arrearages of labor to be levied upon delinquent lands, the amount shall be estimated at one dollar per day, and no more; and section sixteen, of the same part, is so amended that every overseer of highways shall have till the first day of April in each year to make return of delinquent non-resident lands. Further amendment.

The following proviso shall be added to section ten, of part seven, to wit: *Provided*, however, that no amount so collected shall ever exceed the sum of ten dollars for any one tree. Proviso.

§ 2. No person shall be required to pay a poll tax for highway purposes, who shall be over the age of fifty-five years. What age exempt.

§ 3. It shall be lawful for any overseer of highways, or any person or persons by his order, to enter upon any land adjoining or lying near the road in his district, and cut or open such ditches or drains, and construct such dams, as shall be necessary for the making or preservation of said road, doing, however, as little injury to the owner of such land as possible. May ditch, &c on lands near road.

§ 4. Every overseer of highways shall have full power to enter upon any unimproved lands adjoining or near the road in his district, and gather, dig, or cause to be dug, any gravel, sand, or stone, and cut away wood or trees, and carry off the same, that shall be necessary for the making or repairing of said road; doing, however, as little damage as may be to the owner of the land. May take materials.

§ 5. If any person feel aggrieved by any act or acts done in pursuance of either of the two preceding sections, such person may apply to the commissioners of highways of the same town, who shall appoint three disinterested electors, who, after taking Damages, how assessed.

the proper oath or affirmation, shall proceed to assess the damages; if any there be, which shall be paid out of the town treasury.

Commissioners
to contract.

§ 6. The commissioners of highways shall have power to order and direct the construction of bridges on highways in their respective towns, and to contract for the building thereof; and it shall be the duty of the overseers of highways to build the necessary bridges on highways in their respective road districts, unless otherwise ordered by said commissioners, and to repair the same when necessary.

Notice to
open roads.

§ 7. Whenever the commissioners of highways shall have laid out any public highway through any enclosed, cultivated, or improved lands, and their determination shall not have been appealed from, and on all public highways already laid out through such lands, they shall give the owner, his agent, or the occupant of the land through which such road shall have been laid, thirty days notice in writing to remove his fences; if such owner shall not remove his fences within the thirty days, the commissioners shall cause such fences to be removed, and shall direct the road to be opened and worked; if the determination of the commissioners shall have been appealed from, then the thirty days notice shall be given after the final decision upon such appeal: *Provided, however,* that no person shall be required to remove any fence under the provisions of this section or the act of which this is amendatory, except between the first day of October and first day of May in each year.

Proviso.

May sue, &c.

§ 8. The commissioners and overseers of highways shall have power to make contracts, and to sue and be sued in their name of office on all subjects pertaining to their respective offices.

MISCELLANEOUS PROVISIONS.

Town meet-
ings.

§ 1. If, from any cause, any town organized at the last or present session of the legislative assembly shall not hold a town meeting at the time fixed for holding annual town meetings, such town may hold its first town meeting on the first Monday of May next.

Acts in force.

§ 2. This act shall be in force only in those counties which have or may hereafter adopt the township and county system of government.

Repealed acts.

§ 3. The following parts and sections of the act of which this is amendatory, are hereby repealed, to wit: all of part fourth, chapter eleven; sections four, six and eight, in part first of chapter four;

section seven in part third of chapter five; sections five, nine, and twenty, in part third of chapter eight; and section eight in part seven of chapter eleven; and all such other parts of said act as contravene, or are not consistent with, the provisions of this act; and all the provisions of the act of which this is amendatory, not hereby repealed, shall be and remain in full force and virtue, as modified by the provisions of this act.

§ 4. Section four of the act entitled "an act to amend the several acts to provide for the support of common schools," approved February 18, 1842, is hereby repealed, as to all of those counties which have adopted the town and county system of government, but shall be in full force and operation in all other counties of the territory.

§ 5. The second section, chapter first, of the act hereby amended, shall be so amended as to authorize any county of this territory, which shall not already have adopted the same, to vote for or against the adoption of said act, at any annual election in such county, and to proceed therein and make returns of such election according to the provisions of said section two: *Provided, however,* that the electors of no county shall be required to vote upon such question, unless a notice to that effect shall have been issued by the clerk of the board of commissioners, as required by law in relation to other election notices. And the clerk of the board of commissioners of any such county shall, upon the petition of a majority of the persons who shall have notice at the next previous annual election, as shall appear by the poll lists, be required to issue such notice of the time of issuing general election notices.

§ 6. No person shall vote at any town meeting who has not resided in the town in which he shall claim the right to vote, six calendar months next preceding the day of such meeting, and who shall not be otherwise qualified as required by law.

§ 7. The cost of advertising unredeemed land, which shall remain unpaid at the first subsequent assessment after the forfeiture, shall be a charge upon all lands thus advertised and unpaid, and the county board of supervisors shall annually include all such unpaid costs, and thirty per cent. interest thereon, from the day of forfeiture, with the amount of other county expenses, to be collected by the respective towns, in the same manner as other county taxes are or shall be collected: *Provided, however,* that here-

after, the legal charges for such advertising shall not be more than twenty-five cents per folio for the first insertion, nor more than ten cents per folio for each subsequent insertion.

Act amended. § 8. Chapter three, part first, section five, of the act to which this act is amendatory, is hereby amended as follows, to wit; add to the end of section five, the following: *Provided*, that the percentage to be laid on the assessment for any one year shall not exceed, for all purposes whatever, one and a half per cent: *Provided, further*, that this provision shall not apply to school district taxes for building school houses.

Duty of town clerks. § 9. It is hereby made the duty of the town clerks of the several towns to act as clerk of the board of town supervisors, when so required by said board.

APPROVED, April 15, 1843.

AN ACT relative to Dodge county.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Judge of Probate. § 1. That at the special election to be held on the first Monday of May next, there shall be elected in and for the county of Dodge, a judge of probate, whose jurisdiction shall be co-extensive with said county.

Votes, how canvassed. § 2. At the said special election, the qualified voters of said county, shall determine, by ballot, the place at which the board of county commissioners shall hold their sessions; and the votes for said place of holding the sessions of said board shall be canvassed in the same manner that the votes for judge of probate are canvassed; and thereafter, until otherwise provided by law, the sessions of the said county board shall be held at the place determined upon by said electors.

Notices. § 3. The county commissioners of the said county are hereby authorized to appoint some suitable person to post up election notices, and to serve all notices issued by the said board, or its clerk, which are now required to be executed by the sheriff; and whenever it shall become necessary to hold a special election to fill any vacancy in county officers, it shall not be necessary for the sheriff of Jefferson county to order such election, but the same may be ordered by the clerk of the board of commissioners of said county of Dodge.

§ 4. This act shall be in force from and after its passage. Take effect.
 APPROVED, April 10, 1843.

AN ACT to alter the boundaries of certain towns in the counties of Racine and Rock.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That section number thirty-one, in township number three, north, of range twenty-two, east, in the county of Racine, be, and the same is hereby set off from the town of Paris, and be annexed to, and form a part of, the town of Mount Pleasant, in the said county of Racine.

§ 2. All that part of township number three, north, of range twelve, east, which lies west of Rock river, shall be annexed to, and form a part of, the town of Janesville, in the county of Rock.

§ 3. That the limits of the village of Racine, in the county of Racine, so be altered as to exclude from the said village lot number five, in section number nine, town three, range twenty-three; and the said lot number five, in said section number nine, shall not hereafter constitute a part of, or belong to, said village.

§ 4. This act shall take effect from and after its passage. Take effect.
 APPROVED, April 10, 1843.

AN ACT to change the names of certain towns in Walworth county.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. The town of Troy, in Walworth county, embracing township four, range eighteen, shall be known and called by the name of East Troy; and the town Meacham, embracing township four, range seventeen, shall be known and called by the name of Troy; and the first election in said last named town shall be held at the house of Augustus Smith.

§ 2. So much of any act as contravenes the provisions of this Act repealed act is hereby repealed.

§ 3. This act to take effect from and after its passage. Take effect.
 APPROVED, April 10, 1843.

AN ACT to repeal the fourth section of an act entitled "an act to organize the county of St. Croix," and to legalize the acts of certain officers in said county, and for other purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

- Act repealed.** § 1. The fourth section of an act entitled "an act to organize the county of St. Croix," approved January 9, 1840, is hereby repealed.
- Attached.** § 2. The county of St. Croix is hereby attached to the county of Crawford for judicial purposes.
- Process, how returned.** § 3. All writs, summons, process, indictments, recognizances, and other proceedings now pending in, or returnable to, or which may hereafter be returnable to, the district court for St. Croix county, shall be removed to the district court of Crawford county, and the same proceedings shall be had thereon as though they were originally returnable to the district court of Crawford county; and the clerk of the district court for St. Croix county shall
- Records, &c.** deliver over to the clerk of the district court for Crawford county, all dockets, books, records and papers appertaining to his office.
- Cases pending.** § 4. All cases which may have been, or may hereafter be, removed by appeal, or certiorari, from the judgment of any justice of the peace of said county, shall be prosecuted to final effect in the county of Crawford.
- Justices of the Peace, &c.** § 5. The qualifications and authority of justice of the peace, or any other officers in said county of St. Croix, appointed or elected in said county of St. Croix, shall not be questioned or invalidated in consequence of the omission of any such officers to file or deposit with the clerk of the district court of said county, any oath, bond, or other thing, which they were required by law to do; but all the official acts and proceedings of all such officers are hereby declared to be as legal and valid as though they had filed or deposited with the clerk of the said district court, such oath, bond, or other thing.
- Papers filed.** § 6. All officers in the county of St. Croix who are now required by law to file with the clerk of the district court any oath, bond, or other thing, are hereby authorized and required to file the same with the clerk of the board of county commissioners of said county of St. Croix.

§ 7. All officers of the county of St. Croix, who are required ^{Place of holding offices.} to hold their offices at the county seat of St. Croix county, are hereby authorized to hold their offices at the Red Stone Prairie, on the Mississippi river.

APPROVED, April 10, 1843.

AN ACT to authorize the erection of a bridge across Pike Creek.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That the commissioners of highways of the town of Southport, in the county of Racine, and their successors in office be, and are hereby, authorized and empowered to erect and maintain a free bridge across Pike creek, in said town; said bridge to be constructed from a point on the northern bank of said creek south of the termination of Maine street, in the north ward of the village of Southport, to the opposite or southern bank of said creek, at or near lot number twelve, in block number fourteen, in the south ward of said village.

§ 2. The president and trustees of the village of Southport shall have, and are hereby empowered to exercise, concurrent ^{Trustees, concurrent authority of.} power and authority with said commissioners of highways to erect, maintain, and keep in repair, the said bridge.

APPROVED, April 12, 1843.

AN ACT to make valid the official acts of George M'Williams, Edwin Hart, and Lyman Crossman, justices of the peace.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That the official acts of the said George M'Williams, up to the 16th day of January, 1843, on which day his commission as such justice of the peace expired by limitation; and the official acts of the said Edwin Hart and Lyman Crossman, up to the 30th day of January, 1843, respectively, be, and the same are hereby declared to be, to all intents and purposes, of the same force and validity as if their respective commissions had not been revoked, as aforesaid. ^{Official acts legalized.}

APPROVED, April 15, 1843.

AN ACT to repeal a part of an act therein mentioned.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Repeal.

§ 1. That the sixth section of an act entitled "an act to prescribe the number, duties, and compensation of the officers of the legislative assembly, and for other purposes," approved January 23, 1841, be, and the same is hereby repealed.

APPROVED, April 12, 1843.

AN ACT to make valid the official acts of Frederic Borchardt, a justice of the peace.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Official acts legalized.

§ 1. That the official acts of Frederic Borchardt, a justice of the peace, appointed in and for the county of Manitowoc, shall, to all intents and purposes, be of the same effect and validity as if the said Frederic Borchardt had been a resident of said county of Manitowoc for six months next before his appointment to be such justice of the peace.

APPROVED, April 13, 1843.

AN ACT to provide for laying out and opening territorial roads.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

From Aztalan.

§ 1. That Thomas Brayton, Benjamin Clauson, and Isaac Noyce, are hereby appointed commissioners to lay out a territorial road from Aztalan in the county of Jefferson, to Peck's rapids, on the Beaver-dam river, thence to Clauson settlement, in town eleven, range fourteen; thence in the most direct and practicable route to Seymour Wilcox's, in the county of Fond du Lac.

From county seat of Green.

§ 2. A territorial road shall be laid out and established, running from the county seat of Green county, on the most direct and feasible route to the county seat of Jefferson county, and that Noah Phelps, James Campbell, and Isaac Andrus be, and are hereby, appointed commissioners to lay out said road.

Commissioners

§ 3. The commissioners named in the preceding sections may

meet at such time and place as they or a majority of them shall ~~where to meet.~~
 agree upon, and proceed to the discharge of their duties agreeably
 to the provisions of "an act to provide for laying out and opening
 territorial roads," approved January 3, A. D. 1838: *Provided*,
 that the above named roads shall be laid out within one year from
 the passage of this act.

§ 4. No part of the expenses incurred, or damages assessed, ~~Expenses.~~
 for laying out said roads, shall be paid from the treasury of any
 counties through which said roads may pass; nor shall any part
 thereof be paid out of the territorial treasury.

APPROVED, April 14, 1843.

AN ACT to organize the town of Pike, in the county of Racine, and to annex certain lands to the town of Southport, in said county.

*Be it enacted by the Council and House of Representatives of
 the Territory of Wisconsin:*

§ 1. That all that district of country comprised in town num- ~~Town of Pike.~~
 ber two, north, of range number twenty-two, east, in the county
 of Racine, be, and the same is hereby, organized into a separate
 town, by the name of Pike.

§ 2. The said town shall have the same powers that other ~~Powers.~~
 towns by law have.

§ 3. The first town meeting and the general special election ~~Election.~~
 for the said town of Pike, shall be held at the house now occu-
 pied by Charles Leet, on the first Monday of May next, and the
 qualified voters of said town are authorized, at said meeting and
 election, to elect all the officers authorized by law to be elected in
 the several towns in said county.

§ 4. That all that part of fractional township number one, ~~District at-~~
 north, of range number twenty-three, east, in the county of Ra- ~~tached.~~
 cine, which now belongs to, and forms a part of, the town of
 Pleasant Prairie, in said county, is hereby annexed to, and shall
 for a part of the town of Southport, in said county.

§ 5. The first, second, and third sections of this act shall not ~~Take effect.~~
 take effect or be in force until the first Monday of May next.

APPROVED, April 15, 1843.

AN ACT authorizing the Governor to offer rewards for the apprehension of criminals in certain cases.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Governor to offer reward.

§ 1. That whenever any criminal charged with a capital offence, or with any felony, shall escape from the custody of the sheriff of the county wherein such offence or felony may have been committed, it shall be lawful for the Governor, in his discretion, to offer a reward for the apprehension and delivery of such criminal to such sheriff; and also, whenever any heinous crime against the public peace or morals shall be committed, to offer rewards for the detection and apprehension of the perpetrator or perpetrators of the same; such rewards to be paid out of the territorial treasury: *Provided*, that in no case the reward thus offered and paid shall exceed the sum of two hundred dollars.

Proviso.

APPROVED, April 15, 1843.

AN ACT to amend the statutes of this territory relative to sales of land under execution or mortgage, and to legalize certain conveyances.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Deeds, how and to whom issued.

§ 1. That in all cases where real estate has been or shall hereafter be sold in pursuance of the provisions of the statutes of this territory relative to the sales of mortgaged premises by advertisement, or in pursuance of an act entitled "an act concerning judgments and executions," it shall be the duty of the officer or other person who sold, or shall hereafter sell, such real estate, to execute a deed of the premises so sold and unredeemed, agreeable to the provisions of said acts, either to the original purchaser or to the creditor who may have acquired the title of such original purchaser, or to the creditor who may have purchased such title from any other creditor, or to the assignee, (as the case may be,) of the certificate of sale executed on such sale to the purchaser of the premises therein described.

Repealed.

§ 2. That so much and such parts of the above recited acts as contravene the provisions of the foregoing section, are hereby repealed.

§ 3. That all conveyances of land heretofore made under ^{May vest in} and by virtue of any law that now is, or has been heretofore in ^{assignee.} force in this territory, to the assignee or assignees of any purchaser or purchasers of any lands or real estate sold on execution, or under the judgment or decree of any court of record, or by virtue of any mortgage, agreeably to the provisions of any such law, shall vest in the assignee or assignees of such purchaser such title to the premises described in such conveyance as would have vested in the purchaser, had such conveyance been made to him; and such conveyance shall not be impaired or affected by reason of the same having been made to the assignee of such purchaser.

§ 4. This act to take effect from and after its passage.

Take effect.

APPROVED, April 15, 1843.

AN ACT concerning the city of the Four Lakes.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That hereafter the land contained in section six, town How taxed. seven, range nine, east, called "the city of the Four Lakes," shall not be taxed any higher than other farming land of similar quality, and in the same state of cultivation, in the immediate vicinity.

§ 2. This act shall take effect from and after its passage.

APPROVED, April 15, 1843.

AN ACT to amend the act authorizing Samuel H. Farnsworth to build and maintain a dam on the Menomonee river.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That Samuel H. Farnsworth, and his associates, succes- ^{What part in} sors, and assigns, shall have authority to build and maintain a dam ^{force.} across the south branch or channel of the Menomonee river as lies within the jurisdiction of this this territory, at the place heretofore selected by him, under the same restrictions and limitations contained in the act to authorize said Farnsworth to build and maintain a dam on the Menomonee river, and for other purposes, approved February 13, 1841: *Provided*, that the lock required to *Proviso.* be constructed by the second section of the act to which this

is amendatory, shall be so situated in said dam as to be of convenient access by boats, batteaux, barges, and other water craft, and shall contain water at all times of sufficient depth to pass boats, barges, batteaux, and other water craft, drawing two feet water.

Repealed.

§ 2. So much of the act of which this is amendatory as contravenes the provisions of this act, is hereby repealed.

APPROVED, April 10, 1843.

AN ACT to repeal an act incorporating the State Bank of Wisconsin.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Charter
repealed.

§ 1. That the act entitled "an act to incorporate the State Bank of Wisconsin," approved February 28, 1839, is hereby repealed.

APPROVED, April 10, 1843.

AN ACT relative to the Assessor of Crawford county.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Official acts
shall be legal.

§ 1. That the assessor of Crawford county, elected at the last election and duly qualified, shall proceed to perform the duties of that office, and complete the assessment roll for the present year for the whole county, as though it constituted but one assessor's district; and his official acts, so performed, shall not be affected or rendered invalid, for the reason that three assessors were not elected for the year 1843, at the last election, or for the reason that the county of Crawford was not divided into three districts by the county commissioners of said county, as required by the statutes.

Take effect.

§ 2. This act shall take effect from and after its passage.

APPROVED, April 13, 1843.

AN ACT to provide for laying out certain territorial roads.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

From Prairie

§ 1. There shall be established a territorial road from Prairie

du Chien by the way of Spaulding's mill, on the Black river, and du Chien. Bennett's mill, on the Chippewa river, to the shore of Lake Superior, near La Pointe.

§ 2. The county commissioners of the county of Crawford are hereby authorized and empowered to appoint one or more commissioners to mark the route of the location of said road, by the nearest and most practicable route, and when the route of the location of said road shall be marked, said road shall be and remain a territorial road. Com'rs, how appointed.

§ 3. That E. M. Williamson, Hiram Griffith, and Erastus From Beloit. Quivey, be appointed commissioners to alter the territorial road from Beloit to Madison, as follows, to wit: beginning at a point on said road in or near section twenty-one, town four north, range ten east, thence by the nearest and most practicable route to a point in the road leading from Janesville to Madison, on or near section thirty-three, town six north, of range ten east.

§ 4. That the supervisors of the county of Brown are hereby authorized to appoint one or more persons commissioners to lay out and establish a territorial road from Green Bay, on the nearest and most practicable route, to the Wisconsin river, at or near the Grand Rapids. From Green Bay.

§ 5. There shall be established a territorial road from Racine to Burlington; in Racine county, by the nearest and most practicable route; and John T. Trowbridge, Nelson R. Norton, Benjamin Pierce, Elias Smith, and Moses Vilas, are hereby appointed commissioners to lay out the same. From Racine.

§ 6. That George Esterly, George W. Ellis, and Elijah Worthington, be, and they are hereby, appointed commissioners to lay out and establish a territorial road from Janesville, in the county of Rock, by Ellis's mill, in Whitewater, Walworth county, to the northwest corner of section thirty, in township four, of range sixteen, thence east to intersect the territorial road leading to Milwaukee via Prairieville. From Janesville.

§ 7. That Hugh R. Hunter, Elias Ogden, and Alfred L. Casleman, be appointed commissioners to lay out and establish a territorial road from Mineral Point, in Iowa county, by way of Whitewater, in Walworth county, to Milwaukee, on the most direct and practicable route; and that the boards of county commissioners or supervisors of the several counties through which such roads shall run, are authorized, if they think proper, to pay From Mineral Point,

the expenses of laying out and establishing the same, in proportion to the distance which said road runs through each county.

From Janesville.

§ 8. That Charles Stevens, A. Hyatt Smith, and John P. Dickson, be, and they are hereby, appointed commissioners to lay out and establish a territorial road by the nearest and most practicable route, from Janesville, in the county of Rock, to Mineral Point, in the county of Iowa.

On old roads.

§ 9. If either of the boards of commissioners hereby appointed shall lay either of the said roads, in whole or in part, on the route of any public road or highway heretofore established, they may adopt the survey of said road, so previously laid out, or such part thereof as they shall think proper.

From Milwaukee.

§ 10. That Alonzo Raymond, John S. Rockwell, and Francis M'Carty, be, and are hereby appointed commissioners to lay out a territorial road from Milwaukee to Fond du Lac, via. Monomonee Falls; and the said commissioners are hereby authorized to adopt the survey of any road, or part of any road previously laid out on said route.

Expenses, how paid.

§ 11. That none of the roads authorized to be laid out by this act shall be paid for out of the treasury of any of the counties through which such roads pass, except as provided for in this act.

Take effect.

§ 12. That this law shall be in force and take effect from and after its passage.

APPROVED, April 12, 1843.

AN ACT to authorize the election of an additional justice of the peace in certain towns.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Authority and liabilities.

§ 1. That the several towns in the territory, comprising within their limits incorporated towns or villages, are hereby authorized to elect, at the general special election to be holden on the first Monday of May next, and annually thereafter on the day fixed by law for the election of justices of the peace, one justice of the peace, in addition to the number now allowed by law, who shall possess the qualifications, rights, and powers, and be subject to the liabilities and duties conferred and imposed upon justices of the peace by any law of the Territory.

§ 2. All acts contravening the provisions of this act are hereby repealed; and it shall take effect from and after its passage.

APPROVED, April 12, 1843.

AN ACT to provide for levying and collecting a territorial revenue.

[Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:]

§ 1. For the purpose of raising a territorial revenue, there shall be annually levied, in each of the counties of this territory, a territorial tax of such a per cent. on the assessment of the several counties and towns as the legislative assembly shall, from year to year, prescribe.

§ 2. It shall be the duty of the board of county commissioners of the several counties which have not adopted the provisions of an act entitled "an act to provide for the government of the several towns in this territory, and for the revision of county government," annually to embrace in the tax roll of their respective counties, in a separate column, to be designated "territorial tax," a tax of such a per cent. on the assessment roll as the legislative assembly shall have prescribed at its next preceding annual session.

§ 3. It shall be the duty of the town clerks in all the towns of the several counties which have adopted the provisions of said act, annually to embrace in the tax roll of their respective towns, in a separate column, to be designated "territorial tax," a tax of such a per centum on the assessment roll as the legislative assembly shall have prescribed at its next preceding annual session.

§ 4. The legislative assembly shall, at its annual session, each and every year, prescribe the per centum of tax to be levied in each of the counties of this territory.

§ 5. There shall be levied and collected in all the towns in the counties of Milwaukee, Racine, Jefferson, and Crawford, in pursuance of the provisions of this act, for the year one thousand eight hundred and forty-three, a tax of three eighths of a mill on the dollar on the assessment roll of said towns; and in all the towns in the other counties of the territory, which have adopted the provisions of said act, and in all the counties which have not adopted the provisions of said act, in like manner for said year a tax of five-eighths of one mill on the dollar of the assessment rolls of such towns and counties.

Clerk to furnish auditor a statement.

§ 6. It shall be the duty of the clerk of the board of the county commissioners in the several counties which have not adopted the provisions of the aforesaid act for the government of the several towns, &c., as soon as the assessment roll in their respective counties shall be completed and corrected, to transmit to the auditor of the territory a certified statement of the amount of such assessment, and of the aggregate number of acres of land assessed in their respective counties.

Clerk to furnish auditor statement.

§ 7. It shall be the duty of the clerk of the board of supervisors, in the several counties which have adopted the provisions of said act, as soon as the assessment rolls in the several towns in such county shall have been equalized and corrected, to transmit to the auditor of the territory a certified statement of the amount of the assessments in their respective counties, and of the aggregate number of acres of land assessed in their respective counties.

Duty of auditor.

§ 8. It shall be the duty of the auditor of the territory to keep an account current with the several counties in this territory, in which account current he shall annually charge the said counties with such sum as will correspond with the per centage upon their respective assessment rolls, that the legislative assembly, at its next previous annual session, shall have prescribed.

Collectors, duty of.

§ 9. It shall be the duty of the several collectors of county and town taxes to collect the territorial taxes, in their respective counties and towns, in the same manner that county and town taxes are now by law collected; and the collectors in the several towns in the counties which have adopted the provisions of said act, to pay over to the county treasurers of their respective counties the amounts so collected by them, in the same manner and at the same time they are required to pay over county taxes by them collected. And the said county collectors and county treasurers shall pay over the amount of territorial tax by them received to the treasurer of the territory, and take his receipt for the same; and the auditor of the territory, upon the presentation of such receipts, shall credit the account of the counties, respectively, with the amount thereof.

Auditor to keep account with treasurer.

§ 10. The auditor of the territory shall keep an account current with the treasurer of the territory, in which he shall charge the treasurer with all sums paid to him by the county collectors and treasurers, respectively, as shall appear by such treasurer's re-

receipts; and he shall credit the treasurer by all warrants drawn by the auditor, which the treasurer shall present; which warrants, when thus presented and credited, shall be cancelled by the auditor, and reported to the legislative assembly, at its next annual session, by the auditor.

§ 11. Every person holding any territorial bonds, of any description, (except canal bonds,) and certificates issued in pursuance of the provisions of the third section of an act entitled "an act to provide for the payment of the expenses of the legislative assembly therein named," approved February 19, 1841, may present the same to the auditor of the territory, whose duty it shall be, on the application of the holder of such bond, to issue to him warrants on the treasurer of the territory, in such sum or sums as he may request, corresponding with the amount due for principal and interest on such bond at the time of issuing such warrants; and upon issuing such warrants, the auditor shall take up and cancel such bond, and report it to the legislative assembly at its next annual session: and the auditor of the territory is hereby prohibited from issuing any warrants based upon said certificates issued in pursuance of the provision of said third section. Further duties.

§ 12. It shall be the duty of the auditor of the territory, upon the application of any person to whom any appropriation payable out of the territorial treasury has been made, which has not been paid, or for which warrants have not been drawn, or if any person to whom any appropriation payable out of the territorial treasury may hereafter be made, to issue to such person warrants on the territorial treasurer in such sums as such person may elect, corresponding in the aggregate with the amount of such appropriation, and take the receipt of such person for the amount of such appropriation. 1b.

§ 13. All taxes levied in pursuance of the provisions of this act, shall be paid in gold or silver coin, or in warrants drawn by the auditor on the treasurer of the territory. Tax to be paid in gold and silver.

§ 14. An act entitled "an act to provide for a territorial revenue," and all other acts or parts of acts that conflict or are inconsistent with the provisions of this act, are hereby repealed. Acts repealed.

§ 15. The duties enjoined by this act upon the several county treasurers, and town and county collectors, shall be so considered that a departure therefrom shall be deemed a breach of the condition of their official bond, so that they and their sureties shall be Failure to perform duties in this act specified.

liable to the territory for any loss which may accrue therefrom.

APPROVED, April 15, 1843.

AN ACT in relation to dams on the Manitowoc river.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Slides, &c.

§ 1. That all dams erected or to be erected by authority of any law of this territory, on the Manitowoc river, shall contain a slide or chute of such dimensions, and so constructed, as to permit the descent of rafts over said slide or chute; without injury to said rafts; and any person who shall be injured in his property by means of the insufficiency of any slide or chute in any of the dams aforesaid, may maintain an action against the owner or owners of such dam, to recover compensation for the injury he may sustain by means of such insufficiency.

APPROVED, April 15, 1843.

AN ACT to repeal certain parts of the several acts concerning the militia, and for other purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

No muster.

§ 1. That so much of the act entitled "an act relating to the militia," and acts amendatory thereto, as authorize or require a muster of the militia of this territory, for the purpose of review, exercise, or inspection, be, and the same is hereby, repealed; and the commanding officers of each company shall annually, on the first Monday in July, enroll, or cause to be enrolled, all persons within the limits of his company, who may be subject to military duty, according to the said acts, and shall without delay report the same to the commander of the regiment or battalion to which he may belong; *Provided, nevertheless*, that all volunteer companies may muster for review, exercise, or inspection, whenever the commanders of such companies may deem wise; and *Provided further*, that upon a call of the commander in chief, or any civil officer who by law is authorized to call in the aid of the militia, the several commanders of brigades, regiments, battalions, and companies shall, and are hereby authorized to, muster for the object specified in the call.

Proviso.

Ib.

§ 2. That all the parts of the aforesaid statutes as regulate No pay. the pay of any persons connected with the militia be, and the same are hereby, repealed. And no expenses now authorized by any of the laws of this territory relating to the militia shall be paid out of the territorial treasury.

APPROVED, April 12, 1843.

AN ACT to amend the several acts relative to the town of Milwaukee.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That the president and trustees of the town of Milwaukee shall have power to levy and collect annually a tax on such property in said town as is now assessed and taxed for town and county purposes, in the county of Milwaukee, not exceeding one dollar on every one hundred dollars of the assessed value thereof, which tax shall be assessed, levied, collected, and expended, as is now provided by the several acts of the legislative assembly relating to said town. Tax, how levied, &c.

§ 2. That the first section of this act shall not be operative, unless the same be accepted and adopted by the qualified voters of said town, for which purpose the said president and trustees are authorized upon giving ten days notice, to direct a meeting to be held in each of the wards, to be conducted in all respects as meetings are conducted by law for the election of trustees in said town; and should a majority of the qualified voters voting at such meeting, in either ward, accept and approve of the provisions of the said section, the same shall be operative upon the ward so accepting and approving of the same. Operation conditional.

§ 3. The said president and trustees are hereby authorized, for the purpose of discharging the legal debts now due and owing by the west ward of said town, to levy annually, and until the same shall be paid and discharged, in addition to the ordinary tax, a special tax on such property in said west ward as is now assessed and taxed for town and county purposes in the county of Milwaukee, not exceeding one dollar on every one hundred dollars on the assessed value thereof, which tax shall be levied, assessed, and collected as the general tax for said town is now levied, assessed, and collected, and shall be appropriated exclusively to the dis- Debts of west ward, how discharged.

charge and payment of the debts now due and owing by the said west ward. This section shall not be operative or in force unless the same be accepted and adopted by the qualified voters of said west ward, in the manner prescribed in the second section of this act.

Special tax for street.

§ 4. That the said president and trustees are hereby authorized to levy and collect a special tax, in addition to the ordinary tax, upon lot number one, of section thirty-three, within the corporate limits of said town, sufficient to defray one half of the necessary expense of constructing a graded road through said tract from the north line thereof, parallel to the Milwaukee river, to the lake shore, following, as near as may be, the centre of Water street, as represented in the plats of said town; which special tax shall be levied and collected as other taxes are levied and collected in said town.

Firemen.

§ 5. That the said president and trustees are hereby authorized to increase the number of firemen attached to the fire engine company, in the east ward, to a number not exceeding forty-five.

Tax, how collected.

§ 6. In case any tax assessed on personal property agreeable to the provisions of this act, shall not be paid by the first day of June in each year, the said president and trustees shall cause to be made out and delivered to the treasurer of said town a transcript of the assessment of personal property within said town, together with a warrant in the name of the territory, signed by the president, commanding such treasurer to collect from the several persons named in the transcript the sums set opposite to their respective names; and the said treasurer, upon receiving said transcript and warrant, shall proceed to collect the taxes therein named, in the manner prescribed by law for collecting town and county taxes in the county of Milwaukee, and on or before the first day of December in each and every year shall return his transcript and warrant, with his doings thereon, to the office of the clerk of said town.

Notice.

§ 7. It shall be the duty of the assessors of said town, after completing their assessment roll in each year, to deliver the same to the clerk of the board of trustees, whose duty it shall be to give notice of the same in some newspaper published in said town; and any person interested may appeal to said board for the correction of such assessment; such appeal to be in writing and delivered to the said clerk within ten days after the assessment roll

shall be filed with the said clerk; and the board of trustees shall have power, after giving notice of the time and place of hearing, to confirm or amend such assessment, as to them shall seem just and proper.

§ 8. The rights and qualifications of voters at the meetings ^{Voters,} contemplated by this act, shall be the same as now prescribed by law for persons voting for the election of trustees in said town.

§ 9. So much and such parts of the several acts of the legis- ^{Acts repealed.} lative assembly relating to the town of Milwaukee as contravene the provisions of this act are hereby repealed.

APPROVED, April 17, 1843,

AN ACT for the relief of the inhabitants of Fond du Lac, and in relation to town officers.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That it shall be lawful for the electors of the town of ^{May elect offi-} Fond du Lac to elect its officers for the ensuing year at the spe- ^{cers for cur-} cial election to be held on the first Monday of May next; and said town, on the day of said special election, may do and perform for said town all and every thing which it might have done by law on the first Tuesday of April, 1843; and all such doings and elections shall have the same effect in law as if done and performed on the said first Tuesday of April.

§ 2. It shall not be necessary to issue any new notices of such ^{New notice} town meeting. ^{not necessary.}

§ 3. That in all cases where the boundaries of any town have ^{Certain offi-} been altered since the annual town meeting for the year 1843, the ^{cers qualified} town officers who may reside in the territory which has been an- ^{to act.} nexed to another town, shall continue to discharge the duties of their respective offices as though no change in the boundaries of the town had been made; and their offices shall remain as though they still resided in the towns of which they were elected officers.

APPROVED, April 17, 1843.

AN ACT to provide for laying out the several territorial roads therein named.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

From Exeter. § 1. That Jonas Lovelan, Jacob Linsey, and Adam Collin, be, and are hereby, appointed commissioners to lay out a territorial road from Exeter, (Sugar river,) to pass near Jonas Shooks', thence to the Pecatonica ford, near the battle ground, thence to Wyota, (Hamilton's diggings,) thence to the White Oak Springs, to intersect the road to Galena.

From Janesville. § 2. A territorial road shall be laid out and established, leading direct from Janesville, on the most eligible route, by the town of Exeter, in the county of Green, to Mineral Point, and that Daniel Smiley, Josiah Bennet, and Leonard Kop, be, and are hereby, appointed commissioners to lay out said road.

From Manchester. § 3. A territorial road shall be laid out and established, leading from Manchester, at the mouth of the Catfish, to Mineral Point, over the most direct and eligible route, and that Robert Stone, Hiram Gould, and Sewal Holman, be, and hereby are, appointed commissioners to lay out said road.

From Madison. § 4. A territorial road shall be laid out and established, leading from Madison to Whitewater, with the privilege of adopting so much of any territorial or county road as the commissioners may deem proper; said road to cross Rock river near the dwelling of John Allen, on section seventeen, town five, range fourteen; and that James Carman, John Allen, and Marcellus Finch are hereby appointed commissioners to lay out said road.

From Jefferson. § 5. Horatio Catlin, E. M. Williamson, and Lucius I. Barber, are hereby appointed commissioners to survey and locate a territorial road from Jefferson, the county seat of Jefferson county, to Madison.

Id. § 6. Joseph Keyes, N. F. Hyer, and James H. Ostrander, are hereby appointed commissioners to survey and locate a territorial road from Jefferson to Fort Winnebago.

From Whitewater. § 7. That Martin Field, Frederick A. Sprague, and William Sherman, be, and are hereby, appointed commissioners to lay out a territorial road from Whitewater, via. Eagle Prairie, to the angle stake in the Muquonugo road, near the southeast corner of section thirty-four, town six, range eighteen; and said commissioners may adopt any portion of any road now laid out on said route.

§ 8. A territorial road shall be laid out and established, leading from Boat Laid Hollow, on the Mississippi river, through the town of Fair Play, to the White Oak Springs; and that A. S. Gregory, G. W. Bruce, and J. M. Chandler be, and are hereby, appointed commissioners to lay out said road. From Boat Laid Hollow,

§ 9. The several boards of commissioners named in this act shall meet at such times and places as a majority of them shall agree, and proceed to perform the duties assigned them agreeably to the provisions of an act entitled "an act to provide for laying out and opening roads, approved January 11, 1840," and when located, shall be opened and worked as other roads are; and said commissioners are authorized to adopt the survey of any road which may have been already surveyed and laid out as a part of any of the roads authorized to be laid out by this act, if they shall think proper. Commissioners authority of.

§ 10. None of the expenses of laying out the roads authorized by this act shall be paid from the territorial treasury, nor from the treasury of any of the counties through which any of the said roads may run. No expenses paid by territory or counties.

§ 11. This law shall be in force and take effect from and after its passage. Take effect,

APPROVED, April 17, 1843.

AN ACT to amend an act entitled "an act to change the time of holding courts in certain counties of the second judicial district, and to provide for a change of venue in criminal cases," and for other purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. All writs, summons, process, indictments, recognizances, and other proceedings, in any of the courts, in the first section of the act of which this is amendatory mentioned, which shall have been instituted since the passage of said act, or may hereafter be instituted, shall be returnable at the term of such court to be begun and held next after the day of issuing of the same, any thing in the second section of said act contained to the contrary notwithstanding. Process, when returnable.

§ 2. The seventy-first section of an act entitled "an act concerning costs and fees," is hereby repealed; and no costs shall be Costs, how taxed.

taxed in the supreme or district court without sufficient notice being given to the adverse party, or his attorney, of the time and place of such taxation, if said party or his attorney reside within the county in which the judgment was recovered.

Executions,
may issue.

§ 3. In all cases in the supreme court where the judgment of the court below is affirmed, the supreme court may issue execution, directed to the sheriff of the proper county, returnable to the office of the clerk in ninety days from its date; and the clerk of the supreme court is authorized to issue executions, directed to the sheriff of the proper county, for all bills of cost in the supreme court, after they shall have been taxed according to law.

Take effect,

§ 4. This act shall take effect from and after its passage.

April 17, 1843—This act was re-considered and passed by the unanimous vote (the ayes and noes having been taken) of all the members present—eleven being present.

JOHN P. SHELDON, Sec'y of Council.

Re-considered, and approved, April 17, 1843, by the house of representatives, by the unanimous vote of the house; twenty-five members having voted for, and none against the bill.

JOHN CATLIN, Chief Clerk.

AN ACT to provide for completing a new roof upon the capitol, and for other purposes.

Proposition.

Whereas, the board of commissioners of the county of Dane have proposed, in behalf of said county, to strip and shingle the roof upon the capitol under the direction of the superintendent of territorial property; or such other person as the legislature may designate, and to complete said work on or before the first day of October next, in consideration of being permitted to use suitable rooms in the capitol as offices for county purposes, therefore,

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Superintendent
authorized to
contract.

§ 1. That the superintendent of territorial property be, and he is hereby authorized to contract with the board of commissioners of the county of Dane, upon such terms as shall be deemed best calculated to ensure the speedy and proper performance of the work.

Notice,

§ 2. That immediately after the conclusion of such contract with the superintendent; the board of county commissioners shall

advertise in one or more papers published at Madison, proposals for bids for the performance of such contract, to be completed according to the specifications and directions to be furnished by the said superintendent, and by such time as shall be specified in such proposal.

§ 3. The board of commissioners of the county of Dane, at their July session, are hereby authorized to levy a tax equal to the amount of said contract, and the expenses necessarily connected therewith, to be added in the duplicate of the current year, and collected in money, which shall be appropriated to the payment of said contract and expenses, and for no other purposes: *Provided*, that if a tax of one and a half mills on the dollar shall not raise a sufficient sum, the residue of the debt thus contracted shall be raised by a tax assessed in like manner in the year 1844. Tax, may be levied.

§ 4. Whenever the contractor for materials or labor, shall have finished his contract to the satisfaction of the superintendent, he shall certify the fact to the board of commissioners, which certificate shall be a voucher, upon the receipt of which they shall order to be paid the amount due such contractor out of the moneys collected by virtue of this act: *Provided*, that if there shall be more than one contractor, and the tax raised as aforesaid shall not be sufficient to meet the whole expense, each contractor shall be paid a per centum in proportion to the amount of his contract. Voucher, &c.

§ 5. The superintendent shall personally oversee and give such directions during the progress of the work as he may think necessary to cause the work to be done in a suitable and workman-like manner. Superintendent to oversee, &c.

§ 6. In consideration of the completion of the work specified in this act, the county of Dane is hereby granted the use of suitable rooms in said capitol for the office of register of deeds, and commissioners' office, and for an office for the clerk of the district court, when such offices shall not be needed for the use of the legislative assembly, and also to the use of the supreme court room for holding the district court, for the term of seven years: *Provided*, that if such rooms shall be unreasonably or improperly used for other purposes than contemplated by this act, the superintendent shall have authority to vacate the same until further action of the legislative assembly. Consideration: Proviso.

§ 7. This act shall take effect and be in force from and after its passage. Take effect:

APPROVED, April 17, 1843.

AN ACT concerning removals from office.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Removals, notice of.

§ 1. That on the removal of any person from office by the Governor, it shall be his duty forthwith to notify such person, in writing, of his removal, and also to file a notice of such removal, if a county officer, in the office of the clerk of the district court of the county in which such person may reside, or if a territorial officer, in the office of the secretary of the territory.

Certain officers shall not act.

§ 2. Any sheriff, judge of probate, or justice of the peace now in commission, or to be appointed by the governor previous to the first Monday of June next, who shall perform any official act after the time limited by the laws of the territory for the expiration of his term of service, shall be liable to the party or parties injured thereby in treble damages, and shall be subject to a fine of fifty dollars for every such act, to be recovered in an action of debt, on the complaint of any person, in behalf of the United States, which fine shall go to the support of the poor in the town or county where such officer resides, according as the same is under the town or county government.

April 17, 1843—returned from governor with veto. On reconsideration, the bill was passed—nine members voting in the affirmative, and but one in the negative.

JOHN P. SHELDON, Sec'y of Council.

Reconsidered, and passed by the House of Representatives, by ayes and noes, April 17, 1843; twenty-four members voting for the bill, and one against it. JOHN CATLIN, Chief Clerk.

AN ACT to provide for the payment of the expenses of the Legislative Assembly.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Appropriations, how and to whom paid.

§ 1. That there shall be paid out of the proper appropriations made by the congress of the United States, for defraying the expenses of the legislative assembly previous to the seventeenth day of April, A. D. 1843, inclusive—

Jas. Lemon.

To James Lemon, for furnishing ninety cords of wood, and assisting in removing the library, for the session of the legislative assembly of 1841 and 1842, two hundred and fifty-five dollars.

To La Fayette Kellogg, for eight days services in writing up L. F. Kellogg, the journal of the house of representatives of session ending February 18th, 1842, twenty-four dollars.

To Steptoe Catlin, for eleven days services in writing up the Steptoe Catlin journal of the council of the session ending February 18th, 1842, thirty-three dollars.

To Thomas Shillinglaw, for five days work cleaning carpets and T. Shillinglaw, chopping two cords of wood in May, 1842, six dollars and fifty cents.

To Porter M. Potter, for hauling stationery from Chicago to P. M. Potter, Madison for session of the legislative assembly of 1841 and 1842, thirty dollars.

To Thomas Hill, for chopping wood by order of the legislative Th. Hill, librarian for the use of the legislative assembly for session of 1841 and 1842, fourteen days; and for cleaning council and representatives' hall and spittoons, three days, thirty-one dollars and twenty-five cents.

To Alonzo Platt, for printing two hundred copies of the journal A. Platt, of the council for the session of 1841 and 1842, as per resolution of the council, one thousand eighty-nine dollars and seventy-seven cents.

To C. Latham Sholes, for printing two hundred copies of the C. L. Sholes, journal of the house of representatives of the session of 1841 and 1842, as per resolution of the house, one thousand one hundred and forty-three dollars and forty-two cents.

To Charles C. Sholes, for printing nine hundred and thirty-three C. C. Sholes, copies of the laws of the session of 1841 and 1842, eight hundred and seventy-five dollars and eighty-nine cents, as per joint resolution of the legislative assembly, approved February 18th, 1842.

To J. G. Knapp, for procuring copy of the laws of session end- J. G. Knapp, ing February 18, 1842, and superintending the publication of the same in the Wisconsin Enquirer, twenty-five dollars.

To J. T. Wilson, for work done in repairing stove pipe, and J. T. Wilson, sundry other work done about the capitol, five dollars and thirty-seven cents, up to February 1, 1843.

To Nelson Bigman, for work done for legislative assembly pre- N. Bigman, vious to January 1, 1843, in cleaning capitol halls, spittoons, from under capitol, &c., and for twenty days services in conveying wood for governor's, librarian's, secretary's, and auditor's offices, and for legislative halls, thirty-five dollars.

- T. Lindsey.** To Thomas Lindsey, for work done in clearing governor's room and laying down carpets in capitol previous to January 1st, 1843, thirteen dollars and seventy-five cents.
- G. Lemon.** To George Lemon, for thirteen days work about the capitol, and for hay to put under carpets, done and furnished previous to January 1, 1843, sixteen dollars.
- Wm. Eiky.** To William Eiky, for work done previous to January 1st, 1843, in repairing fire place in council chamber and mortar for same, three dollars and fifty cents.
- B. Shackelford** To Barlow Shackelford, for postage paid for library, three dollars and sixty-five cents, previous to January 1st, 1843.
- Wm. D. Bird.** To William D. Bird, for furnishing for the use of the legislative assembly, one hundred cords of wood, in March, 1842, three hundred dollars.
- A. Boyles.** To Alfred Boyles, forty dollars and seventy-five cents, as additional compensation for wood furnished for the use of the legislature.
- S. VanBergen.** To Seth Van Bergen, eighteen dollars and fifty cents, as additional compensation for wood furnished for the use of the legislature.
- W N Seymour** To William N. Seymour, for transportation of one box of books to Milwaukee, by order of librarian, to be bound, five dollars, in December, 1842.
- S. Mills.** To Simeon Mills, for brick furnished to repair fire place and hearth in council chamber, in December last, five dollars.
- D. Clark.** To Darwin Clark, for work done in preparing and putting up shelves in library room, by order of librarian, in March, 1841, twenty-five dollars.
- A. Lull.** To Almon Lull, late librarian, for his salary as legislative librarian from the 19th February, 1842, to the 21st day of May, 1842, inclusive, seventy dollars, to be paid to the said Almon Lull when he furnishes the secretary of the territory with a certificate of the superintendent of territorial property, that he has paid the superintendent for all property of the territory by him sold or unaccounted for.
- B. Shackelford** To Barlow Shackelford, for one pine table furnished for the library room since January 1st, 1843, three dollars.
- Id:** To Barlow Shackelford, late legislative librarian, for his salary as such librarian from the 22nd of May, 1842, to the 28th day of March, 1843, inclusive, one hundred and eighty-five dollars, being

the balance due said Shackelford after deducting seventy-five dollars paid him by the secretary of the territory.

To John Y. Smith, for bill of stationery purchased of Finch & J. Y. Smith. Co., for the use of the legislative assembly, six dollars and ninety-two cents.

To John Y. Smith, for repairing stove pipes of capitol halls, five dollars, and for attending and assisting committee of the legislative assembly in investigating the affairs of the capitol, ten days, during the last and present sessions of the legislative assembly, twenty dollars.

To William D. Daggett, for work done in repairing desks in hall W.D. Daggett. of house of representatives, during the past and present sessions of the legislative assembly, five dollars.

To William N. Seymour, for twenty-one days services during W N Seymour the present session as assistant librarian, at one dollar and fifty cents per day, thirty-one dollars and fifty cents.

To Rev. J. M. Clark, for his services as chaplain to the legislative assembly, of the last and present sessions thereof, one hundred dollars: *Provided*, this appropriation to Mr. Clark shall in no event be a charge to, or paid out of the territorial treasury.

To P. C. Hale, for stationery furnished the legislative assembly, P. C. Hale. March 14, 1843, one hundred and thirty-five dollars and seventy cents.

To Alfred Fellows, for transportation of four boxes of candles A. Fellows. from Milwaukee to Madison, in March last, two dollars.

To Nelson Bigman, for cleaning halls, spittoons, and for carrying wood to governor's and committee rooms, &c., for the sessions up to the 17th of April, sixty-three dollars.

To Alfred Boyles, for furnishing seventy-three cords of wood, A. Boyles. and chopping up one hundred and ninety-eight cords in the capitol yard and hauling same to capitol steps, and carrying wood twenty days to the upper hall of the capitol, three hundred and sixty-six dollars and fifty cents, for the use of the legislative assembly during the last and present sessions.

To Abel Rasdall, for hauling stationery purchased of P. C. A. Rasdall. Hale, from Milwaukee to Madison, in March last, ten dollars.

To James E. Hosmer, for services, thirty-five days, as assistant J. E. Hosmer. librarian, ending 25th March, 1843, fifty dollars.

To Joshua Boyles, for carrying wood up to secretary's room J. Boyles. during winter of 1842 and 1843, ten dollars.

- S. Van Bergen.** To Seth Van Bergen, for thirty-seven cords of wood, cutting up twelve cords of same, and hauling eighty-seven cords to door of capitol during last and present sessions of the legislative assembly, eighty-seven dollars.
- Weston & Co.** To J. D. Weston & Co., for stationery, &c., furnished the legislative assembly during its last session, seventeen dollars and eighty cents.
- W W Wyman.** To William W. Wyman, for printing daily journals, bills, rules and reports for council, up to and including 25th of March, 1843, three hundred and seventy dollars and sixty cents; also for 1002 copies of newspapers furnished members of the legislative assembly during the session ending March 25, 1843, sixty dollars and eight cents.
- Sheldon & Hyer.** To John P. Sheldon and George Hyer, for printing daily journals, bills for house of Representatives, rules and reports, up to and including 25th March, 1843, three hundred eighty-seven dollars, fifty four cents. Also for 1671 copies of newspapers furnished members of the legislative assembly during the session ending March 25th, 1843, one hundred dollars and twenty-six cents;
- J. Boyles.** To Joshua Boyles, for furnishing seven and one half cords of wood, and cutting same, during present session, twenty dollars. Also, for five days hauling wood, during present session, ten dollars.
- A. Boyles.** To Alfred Boyles, for work done in cutting and carrying wood for use of legislative assembly, during present session, seven dollars.
- John Catlin,** To John Catlin, for preparing the journals of the house of representatives for publication, for the sessions not heretofore published, affixing an index thereto, and superintending the printing of the same, two hundred dollars.
- J. V. Ingersoll and J. P. Sheldon.** To John V. Ingersoll, seventy-five dollars, and John P. Sheldon, one hundred and twenty-five dollars, for preparing the journals of the council for publication, for sessions not heretofore published, affixing an index thereto, and superintending the printing of the same.
- Printers of different papers.** To the publishers of the several newspapers in the territory, for publishing in their respective papers the election law passed at the present session, by direction of the Legislative assembly, each, ten dollars, to be paid by the secretary of the territory, upon the production of satisfactory proof for the publication thereof.

For the purchase of books for the library, to be purchased under Books for li-
the direction of such person as the legislature may by joint reso- brary.
lution appoint, three hundred dollars.

For furniture for the legislative halls, one hundred dollars; to For furniture
be paid to, and expended under the direction of John Y. Smith, for halls.
superintendent of territorial property.

To David Lambert, for printing proclamation of the governor, D. Lambert.
calling a special session of the legislative assembly, five dollars;
publishing said proclamation, nine dollars; printing proclamations
for apportionment of members of legislative assembly, three dol-
lars; advertising said proclamation, six dollars.

To A. P. Field, the sum of eight hundred dollars, for his ex- A. P. Field,
penses in going to and returning from Washington, in June, 1842,
and transporting forty-five thousand dollars to Madison to pay the
expenses of the legislative assembly; to be paid out of the ar-
rearages provided for by congress in their act of August last.

Also, the sum of eight hundred dollars in going to and return- Same.
ing from Washington, this winter, to settle the accounts of the le-
gislation for legislative expenses, and transporting money to pay
the expenses of the present session.

Also, the sum of one hundred dollars for postage paid on legis- Same.
lative documents.

Also, the sum of one hundred dollars for lights, stationery, &c., Same.
and for making out census papers under the direction of the le-
gislation, to enable them to apportion the representatives: *Provi-*
ded, however, that the foregoing allowances to said Field shall in
no event be made a charge upon or paid out of the territorial
treasury.

To Albert G. Ellis, speaker of the house of representatives, for A. G. Ellis.
extra compensation as speaker of the last and present sessions,
forty days, at three dollars per day, one hundred and twenty
dollars.

To George H. Walker, speaker pro tem. of the house of rep- G. H. Walker.
resentatives, as speaker pro tem., two days services, at three dol-
lars per day, six dollars.

To Albert G. Ellis, as speaker, the sum of forty-two dollars, A. G. Ellis.
for the session of December 1842, and January 1843.

To Moses M. Strong, for services as president of the council, M. M. Strong.
eighty-four dollars.

To Morgan L. Martin, for services as president of the council, M. L. Martin.
eighty dollars.

- John Catlin.** To John Catlin, post master at Madison, for postage of the members of the legislative assembly for the last and present sessions, one hundred and twenty-five dollars; which appropriation shall have a preference, in reference to its payment by the secretary of the territory, to any other appropriation embraced in this act.
- W. Mygatt.** To Wallace Mygatt, for ninety copies of newspapers furnished members of the legislative assembly by order of the house of representatives, five dollars and forty cents.
- J. G. Knapp.** To J. G. Knapp, for bringing up the records of the journal of the council and house of representatives to the close of the present session, one hundred and fifty dollars; to be paid by the secretary of the territory, on satisfactory proof being made that such records are completed.
- D. Lambert.** To David Lambert, for three hundred and twenty papers furnished to the members of the legislature for the last and present sessions, twenty-two dollars and twenty cents; also, for one hundred and fifty papers furnished the executive office, nine dollars and fifty cents; total, thirty-one dollars and seventy cents.
- Sheldon & Hyer.** To John P. Sheldon and George Hyer, for printing for legislative assembly, for the session commencing the 27th March, to the 12th April, 1843, inclusive, three hundred and five dollars.
- W W Wyman.** To W. W. Wyman, for printing for legislative assembly, for the session commencing the 27th March, to the 12th April, 1843, inclusive, four hundred and seventeen dollars and twelve cents.
- Sheldon & Hyer.** To Sheldon & Hyer, for four hundred and twenty-three newspapers, during the session ending April 17, 1843, twenty-five dollars and thirty-eight cents.
- Same.** To Sheldon & Hyer, for nine hundred and eighty-one copies of the Wisconsin Democrat, furnished the legislative council during the last and present session, fifty-eight dollars and eighty-six cents.
- Same.** To Sheldon & Hyer, for incidental printing for house of representatives, from the 12th of April to the close of the present session, inclusive, one hundred and twenty-one dollars and sixty-three cents.
- S. Van Bergen.** To Seth Van Bergen, for furnishing, cutting, and hauling to the steps of the capitol, for the use of the legislative assembly, five cords of wood, thirteen dollars and fifty cents.
- W. W. Wyman.** To W. W. Wyman, for eight hundred and forty-three newspa-

pers furnished the legislative assembly during the session ending April 17th, 1843, fifty dollars fifty-eight cents.

Also, to W. W. Wyman, for incidental printing, the sum of forty W W Wyman dollars and thirty-five cents, not heretofore allowed.

To George P. Delaplaine, for writing done for legislative assembly, G. P. Delaplaine.
bly, at the present session, fifty-seven dollars.

To Robert L. Ream, for writing for the legislative assembly, R. L. Ream,
at the last and present sessions of the legislative assembly, ending 17th April, 1843, one hundred and two dollars.

To John Y. Smith, superintendent of legislative property, for J. Y. Smith.
taking charge of the library, capitol, furniture of legislative halls,
and legislative property, his salary from 28th March to 1st July,
1843, seventy-seven dollars and fifty cents.

Re-considered, and approved by the council, April 17, 1843;
nine members voting for, and one against the bill.

JOHN P. SHELDON, Sec'y of Council.

Re-considered, and approved by the house of representatives—
twenty members having voted for, and five against the bill—April
17, 1843. JOHN CATLIN, Chief Clerk.

RESOLUTIONS.

JOINT RESOLUTION relative to the distribution of American state papers.

Resolved, by the Council and House of Representatives of the Territory of Wisconsin:

That the superintendent of territorial property be directed to deliver to the register of deeds of each of the organized counties of the territory, except the county of Dane, one set of American state papers relating to the public lands, now remaining in the library, to be preserved for the use of such counties: *Provided, however,* that the delivery of said work shall not be attended with any expense to the territory.

RESOLUTION to rescind a resolution to provide an office for the auditor and treasurer of the territory.

Resolved, (the Council concurring,) that a resolution passed at the session of the legislative assembly of 1841-1842, entitled "a resolution to provide an office for the auditor and treasurer of the territory," (laws 1842, page 104,) be, and the same is hereby, rescinded, so far as concerns the office of auditor and treasurer; and that the superintendent of territorial property be directed, during the recess of the assembly, to keep the north-west rooms, on the second floor of the capitol, *closed*.

JOINT RESOLUTIONS relative to the distributive share of Wisconsin in the nett proceeds of the public lands.

Resolved, by the Council and House of Representatives of the Territory of Wisconsin:

That Joshua Hathaway, of Milwaukee, receiver of the board of commissioners of the Milwaukee and Rock river canal, is hereby authorized and empowered to receive from the treasury department of the United States, at Washington, or any other per-

son by whom the same may have been received, the sum of one thousand eighty-two dollars and forty-five cents, being the distributive share of Wisconsin to the thirtieth day of June, 1842, of the nett proceeds of the public lands, agreeably to the provisions of an act of congress entitled "an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved 4th September, 1841.

Resolved, That the said Joshua Hathaway, upon the receipt of the said sum, shall pay to Joshua Hathaway and Allen W. Hatch, the amount of money by them borrowed, together with the interest thereon, under a joint resolution of the legislative assembly adopted in December last, entitled a "resolution to authorize the register and receiver of the Milwaukee and Rock river canal to borrow certain moneys," and the balance shall be applied to pay the interest on all the bonds now unredeemed, that were issued to Daniel Baxter for the completion of the capitol; and the sum remaining, if any, after such payment, shall be paid pro rata to the holders of said bonds.

Returned with veto of Governor. Reconsidered and approved April 17th, 1843, by the council—eight voting in the affirmative, and three in the negative. JOHN P. SHELDON, Sec'y.

Reconsidered and approved by the house of representatives, April 17th, 1843—twenty-one members voting for, and four against the bill. JOHN CATLIN, Chief Clerk.

RESOLUTION asking an appropriation of land by congress, for the purpose of establishing within the limits of the territory of Wisconsin, institutions for the instruction of the deaf and dumb and blind, and an asylum for the insane.

WHEREAS, those unfortunate persons who are afflicted by the loss of a portion of their faculties or senses, cannot participate in the benefits arising from the common school system, and from the lands granted for the support of such schools; and whereas, such persons are (if any difference) most entitled to those benefits; therefore,

Resolved, by the Council and House of Representatives of the Territory of Wisconsin:

That the congress of the United States be urgently requested

to make an appropriation of land equal to one entire township; the proceeds of which to be expended under the direction of the legislature, for the purpose of establishing within this territory, an institution for the instruction of the blind; for the purpose of establishing an institution for the instruction of the deaf and dumb; and also for the purpose of establishing an asylum for the insane.

Resolved, That the delegate in congress from Wisconsin territory, be requested to urge the passage of a law making such an appropriation.

Resolved, That one copy of the foregoing resolutions be forwarded to the presiding officer of each of the houses of congress, and to the delegate to the next congress.

APPROVED, April 5, 1848.

RESOLUTION relative to wood furnished for the Legislative Assembly.

Resolved, by the Council and House of Representatives:

That hereafter no wood furnished for the use of the legislative assembly shall be used for the auditor's, treasurer's, or supreme court clerk's office, and that such wood shall be used in the governor's and secretary's offices during the actual sitting of the legislature only; that no allowance shall be made for carrying wood to the library rooms, and that the fireman of the council and house of representatives shall furnish the wood used in the halls of the respective houses from the steps of the capitol.

PASSED, April 3, 1843.

RESOLUTION in relation to renting a certain room in the Capitol to the county of Dane.

Resolved, by the Council and House of Representatives:

That the superintendent of territorial property be authorized to lease to the county of Dane, the room on the lower floor, in front of the executive office; to be occupied as a register and commissioners' office, for such rent as he may deem reasonable: *Provided*, that such lease may be revocable at any time the superintendent may think the public interest requires it.

APPROVED, April 7, 1843.

RESOLUTION relative to the destruction of Canal Bonds.

Resolved, by the Council and House of Representatives of the Territory of Wisconsin:

That the governor be authorized and required to destroy, in the presence of the legislative assembly, on the 25th day of March, 1843, sixty-one canal bonds, issued in pursuance of an act of the legislative assembly of this territory, entitled "an act supplementary to the several acts relating to the Milwaukee and Rock river canal," approved February 12th, 1841, and numbered one, two, and three, and from thirty-seven to fifty-one, and from fifty-seven to one hundred, inclusive, and bearing date March 15th, 1841.

APPROVED, March 20th, 1843.

ERRATA.—The following list of errors, which occurred in copying the laws for the press, was furnished by the Secretary of the Territory after this pamphlet was printed.

SHELDON & HYER.

Page 3, in the title of the first act, for "Feb. 18," read "Feb. 16."

Page 13, in the 7th line of the title of the act—for "several sections," read "*second section.*"

Page 33, in the 4th line of the 2d section, read "*of this act.*"

Page 36, in the last line of the 5th section, read "*free of all charge*"—in the 7th section, read, "*be amended or repealed*"—and to the enacting clause of the act commencing on said page, add the words, "*as follows.*"

Page 37, in the 2d line from the bottom, for "corrected," read "*counted.*"

Page 40, in the 5th line from the top, after the word "thereon," add the following: "*to insert such taxes so found to be justly payable thereon.*"

Page 42, in the 5th line from the top, for "organized," read "*authorized;*" and in the 10th line of the 23d section, for "three," read "*ten.*"

Page 61, in the 7th line from the bottom, after the word "channel," add the following: "*and so much of the north branch or channel.*"

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Dec. 1843

LAWS
OF
WISKONSAW TERRITORY,

PASSED BY THE FOURTH
LEGISLATIVE ASSEMBLY,
AT MADISON,
THE SEAT OF GOVERNMENT,

COMMENCING ON THE THIRD DAY OF DECEMBER, A. D. 1843, AND
ENDING JANUARY, A. D. 1844.

WITH AN APPENDIX,

CONTAINING RESOLUTIONS PASSED AT THE SAME SESSION.

PUBLISHED BY AUTHORITY.

MADISON, W. T.
PRINTED BY W. W. WYMAN.

1844.

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JUL 25 1929

YRAGUJ OROTHATE

LAWS

OF

WISKONSAN TERRITORY.

AN ACT extending the time for the redemption of certain lands in this Territory on the Canal Grant.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin.

§ 1. That the time for the redemption of all lands mortgaged to the Territory, which were sold for taxes in the year one thousand eight hundred and forty-one, be and hereby is extended to the first day of March, one thousand eight hundred and forty-five, and that the time for redemption of all lands mortgaged to the Territory which were sold for taxes in the year one thousand eight hundred and forty two, be and hereby is extended to the first day of March one thousand eight hundred and forty-six.

Time for redemption extended.

Returned by the Governor without his approval. Reconsidered and approved December 12, 1843, by the Council unanimously, thirteen voting in the affirmative, and none in the negative.

BEN C. EASTMAN, Secretary.

Re-considered, and approved by the House of Representatives, December 12, 1843,—ayes 23, noes 2.

JOHN CATLIN, Chief Clerk.

AN ACT to organize the County of Portage.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

County organized. § 1. That the county of Portage shall be and the same is hereby declared to be an organized county, and as such the inhabitants thereof shall have, possess and enjoy, all the rights, privileges and immunities which are possessed and enjoyed by the inhabitants of other counties of the Territory organized for all purposes whatever.

Attached to 2d judicial district. § 2. Said county shall compose a part of the second judicial district, and courts shall be held therein, to the exclusion of the jurisdiction heretofore exercised by the district court of Dane county, and all suits, recognizances, appeals, writs, process or proceedings, commenced, taken or had, in and to the district court of Dane county before the time when the act takes effect, shall be heard, prosecuted and determined in the same manner and with like effect as if this act had not been passed.

Process &c.

Election for sheriff when held.

§ 3. The first election of sheriff of said county shall be held on the fourth Monday of September next, and thereafter at the time and in the manner now prescribed by law, and the term of office of the person elected at such first election shall expire on the last day of December, A. D. 1846.

Terms of courts when held.

§ 4. The terms of the District Court in and for said county, shall be held on the first Monday of April, and on the fifth Monday after the fourth Monday of September, in each year, by the Judge of the second Judicial District.

To vote for or against organization.

§ 5. That the legal voters in said county of Portage, at a special election to be held on the first Monday of April next, may vote "yea" or "nay" in favor or against the adoption of this act, and if a majority of the votes cast upon the said question, shall be "yea," then this act shall take effect on and after the fourth Monday of September next, but if a majority of said votes shall be "nay," then this act shall be void, and of no force or effect. The said election shall be conducted, and the votes received, returned and canvassed in the same manner as provided by law, for the election of county officers.

Election how conducted.

§ 6. That the legal voters in the said county of

Portage, shall also, at the said special election, vote for the place within said county, which in their opinion should be the county seat thereof, and the place receiving the greatest number of votes in its favour for that purpose, shall be and is hereby declared to be the county seat of the said county. The votes to be received, returned and canvassed in the same manner provided in the preceeding section for the reception, return and canvass of the votes in favor or against the adoption of this act: *Provided* that this section shall have no effect, unless the majority of the votes cast upon the question of organization, shall be in the affirmative.

To vote for.
county seat.

How canvass-
sed and re-
turned.

APPROVED, January 31, 1844.

AN ACT to enable school district number four in the town of Janesville to lay a tax for the purpose of building or purchasing a school House.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin.

§ 1. The inhabitants of school district number four in the town of Janesville, in the county of Rock, who are by law qualified to vote at a district meeting, may vote to lay a tax on the property in said district to the amount of three hundred and sixty-five dollars for the purpose of erecting or purchasing a school house in said district.

Who may vote,
to raise Tax.

§ 2. The said tax shall be levied on all the property in said district real and personal except such as is by law exempt from execution, and except such as is owned by the said county of Rock.

§ 4. In case the said inhabitants shall vote to lay said tax, it shall be lawful for the trustees of said district to assess said tax in manner as above provided, and the collector of said district shall proceed to collect said tax as is provided by law for the collection of taxes levied for the erection of School Houses.

Tax how as-
sessed.

§ 4. This act shall take effect from and after its passage.

APPROVED, December 27, 1843.

AN ACT to amend the act to incorporate the Fox River Improvement Company.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

Returns how made.

§ 1. That the returns required to be made by the clerks of the board of commissioners in and by the said act, may be made by the clerks of the board of supervisors of the several counties mentioned in said act, and the time for execution and delivery of the deeds in satisfaction of any subscriptions heretofore made is hereby extended to the first Monday of March next: *Provided*, that upon any subscriber refusing or neglecting to pay for the stock standing in his name upon said books of subscription the directors may allow the same to be taken by any other person offering to take the same amount of stock in his stead.

Stock how taken.

Stock how paid in.

§ 2. The lands conveyed in payment of stock to said company shall be exempt from taxation until such time as they shall be sold and conveyed by said company: *Provided*, that the stock created by the conveyance of the said lands as provided in the act incorporating said company shall be liable to taxation.

Taxed.

APPROVED, January 3, 1844.

AN ACT to ascertain the indebtedness and the taxable property of the Territory.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin.

Evidence of debt to be recorded.

§ 1. That all persons having in their possession any evidences of debt against the Territory shall present the same to the Auditor of the Territory, at Madison, for record; who shall record, in a book to be kept by him for that purpose, the nature of the claims of indebtedness acknowledged by the Territory, by whom signed and countersigned, when dated, the several amounts, and to whom payable.

Auditor to

§ 2. The Auditor shall place on all vouchers so re-

corded such mark or devices as will prevent a second place device. registration.

§ 3. The Secretary of the Territory shall cause to be published a correct copy of this act in all the weekly journals of this Territory, and all proper charges for publishing the same shall be paid out of any money appropriated by Congress to pay for printing the laws of the Territory. Secretary to publish.

§ 4. The Auditor shall receive for the services contemplated by this act such sum as the Legislature may think just and proper. Compensation

§ 5. The holders of demands thus audited shall have preference in payment over any who may refuse or neglect to comply with the provisions of this act, on or before the tenth day of January, 1845. Preference of Claims.

§ 6. The clerks of the board of county commissioners and the clerks of the several Towns in this Territory shall immediately after the assessment rolls of their respective counties and towns shall be completed and equalized, transmit to the Auditor an abstract thereof designating the number of acres of land assessed in such county; the assessed value thereof, designating so far as they can the assessment for buildings and improvements, and the assessment for land exclusive of buildings or improvements, also the assessment on personal property and the total amount of assessments in their respective counties and towns, and it shall be the duty of the Auditor within the time required by law for him to submit his annual report, to report said abstract to the Legislative Assembly. Clerks of towns and counties, their duty.

APPROVED, January 31, 1844.

AN ACT giving to Henry, *alias* Henry Tutt the name of Henry Early.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

§ 1. That Henry, *alias* Henry Tutt, a coloured man residing at Madison, in the county of Dane, in said Territory, shall hereafter be known and recognized by the name of Henry Early.

APPROVED, December 18, 1843.

AN ACT to organize the county of Fond du Lac for judicial purposes.

*Be it enacted by the Council and House of Representatives
of the Territory of Wisconsin.*

§ 1. That from and after the first Monday of March next, the county of Fond du Lac shall be organized for judicial purposes, and shall enjoy all the privileges of other counties of this Territory.

Counties at-
tached.

§ 2. The counties of Sheboygan, Calumet and Marquette are hereby attached to the county of Fond du Lac for judicial purposes.

District what
composed.

§ 3. The said judicial county, composed of the counties of Fond du Lac, Sheboygan, Calumet and Marquette shall remain a part of the third judicial district, and the courts therein shall be held by the judge of the said district, at such times as shall be established by law.

Election when
and how held.

§ 4. The first election of Sheriff for said judicial county shall be held in the several counties before named, on the first Tuesday of April next, and thereafter at the time prescribed by law; and the return of said election shall be made to the clerk of the board of supervisors of Fond du Lac county, who shall proceed to canvass the same as the law requires.

Writs where
returned.

§ 5. All writs, process, appeals, recognizances, or other proceedings, sued, taken or commenced in the district court of Brown county, prior to the said first Monday of March next, shall be prosecuted to final judgment and execution issued thereon in the same manner they might or could have been had this act not passed; and execution on any judgment heretofore rendered in said court, shall have the like force and effect, and may be executed and returned by the sheriff of said county of Brown, any thing in any law of the Territory to the contrary notwithstanding.

Executions &
Judgments.

County seat
where located.

§ 6. The county seat of Fond du Lac county is hereby established upon the north half of the north-east quarter of section fifteen, town fifteen north, of range seventeen east, in the town of Fond du Lac: *Provided*, a good and sufficient warrantee deed, duly executed, of a public square for the location of county buildings, embracing at least ninety thousand square feet; and a bond entered into with the board of supervisors of the

county, conditioned to provide a suitable room for hold- Room to hold
 ing courts for the use of said county for the term of three Courts.
 years, the whole to be free of charge to the county, and
 to be entered of record in the register's office of said
 county. But it is herein further provided, that unless
 such deed and bond, duly executed, shall be thus record-
 ed on or before the first Monday of March next, the coun-
 ty seat shall be and remain as now established by law ;
 and the supervisors of said county shall be hereby author-
 ized to provide a building for the temporary holding of
 such courts until county buildings shall be prepared at Building to be
 the county seat ; and such building, thus provided, (a cer- provided.
 tificate of such fact being recorded in the office of the
 clerk of the board of supervisors of said county) shall
 be deemed to be the court-house of said county.

§ 7. All appeals to be taken in the manner provided Appeals when
 by law, from the decisions of the probate court of the and how taken
 district composed of the counties of Sheboygan and
 Manitowoc shall be made and returned to the dis-
 trict court of Brown county any law to the contrary not-
 withstanding.

§ 8. From and after the first Monday of March next,
 the county of Marquette shall be organized for county Marquette or-
 purposes, and the first election for county officers in said gan-ized for
 county shall be held on the first Tuesday of April next, county purpo-
 at the house of S. W. Beall, the place appointed by law ses.
 for holding the annual town meeting and the returns of
 the election of such county officers shall be made to the
 town clerk of the town of Marquette, who is hereby au-
 thorized to canvass the same and to issue certificates of
 election.

§ 9. Such election shall be conducted in all respects Elections in
 as the law requires for conducting town meetings and it how held.
 shall be the duty of the clerk of the board of supervisors
 of Fond du Lac county to post up notices of such elec-
 tion and also of the town meeting of the town of Mar-
 quette at two or more places in such county ten days at
 least before the day of such meeting.

§ 10. The several towns in the counties of Calumet
 and Marquette, and the county of Sheboygan, shall an-
 nually pay to the treasurer of Fond du Lac county eight Per cent. to be
 per centum of all taxes, except school house taxes, levied paid for ex-
 therein, to assist in defraying the expenses of courts. And pense of
 it is hereby made the duty of the collectors of the several courts.

towns in the counties aforesaid, and of the collector of the county of Sheboygan, to collect and pay such per centage to the treasurer of the county of Fond du Lac, on or before the first Monday of January, in each year; and the receipt of such treasurer shall be a good and sufficient voucher for such amount in settlement with the treasurer of his own proper town or county; and the collectors of such towns and counties shall be liable to the county of Fond du Lac, under their official bonds, for the payment, as aforesaid, for the per centage herein mentioned.

What to be taxed.

§ 11. From and after the first Monday of March next, all assessments that shall be made in the county of Fond du Lac for the purpose of raising taxes, shall embrace improvements on real estate, in addition to the property now liable by law to taxation.

Poll list.

§ 12. The clerks of the boards of county supervisors of the counties of Calumet and Marquette, and the clerk of the board of commissioners of Sheboygan county, shall be required to forward to the clerk of the board of supervisors of Fond du Lac county, on or before the first Monday of April next, a certified copy of the poll lists of the last annual election; and the board of supervisors of the county of Fond du Lac, is hereby required to meet at the clerk's office in said county on some day prior to the first day of May next, for the purpose of preparing a list of jurors, and taking any other measures necessary to carry out the provisions of this act.

Elections of Sheriffs.

§ 13. The clerks of the several towns in the counties of Fond du Lac, Calumet and Marquette, and the clerk of the board of commissioners of Sheboygan county, shall post up notices of the election of sheriff for such county at the proper places, at least ten days prior to the said day of election.

Boundary.

§ 14. All that portion of Lake Winnebago lying south of a direct line drawn from the point where the southern boundary of the Brothertown Reservation enters said lake on the east to the town line between towns sixteen and seventeen on the west side of said lake, is hereby made a part of the county of Fond du Lac.

Votes to annex part of Winnebago.

§ 15. The legal voters of the county of Winnebago, shall on the day of the annual town meeting in April next, vote for or against the annexation of said county, to the county of Fond du Lac for judicial purposes, and if a majority of such votes shall be in favor of such annexation,

the clerk and moderator of such town meeting shall make return of such vote to the clerk of the board of supervisors of Fond du Lac county, within ten days after the day of such meeting, and the said clerk shall record such returns in the said supervisors office, and when so recorded the said county of Winnebago shall be deemed to be attached to the county of Fond du Lac, and be subject to all such provisions of law as pertains to the other counties hereby attached to the county of Fond du Lac; any law to the contrary notwithstanding, and it is hereby provided, that if a majority of the legal voters of the counties of Sheboygan and Marquette, shall in like manner on the first Tuesday of April next, vote against the annexation of said counties to the county of Fond du Lac, then the provisions of this act so far as the said counties are concerned, shall be of no effect, and they shall remain as now attached to the county of Brown.

APPROVED, January 22, 1844.

AN ACT to organize the county of Dodge, and to provide for locating the seat of justice of the same.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That from and after the first day of March next, the county of Dodge be organized for judicial purposes, and shall enjoy all the privileges of other counties of this Territory. It shall form a part of the third judicial district, and the courts therein shall be held by the judge of the said district.

§ 2. All writs, process, appeals, recognizances, or other proceedings commenced in the district court of Jefferson county, prior to the first day of March next, shall be prosecuted to final judgment, and execution issued thereon, in the same manner they might or could have been had this act not passed; and execution on any judgment heretofore rendered in said court shall have the like force and effect, and may be executed and returned by the sheriff of Jefferson county; any thing in any law of this Territory to the contrary notwithstanding.

Sheriff when
and how elec-
ted.

§ 3. At the special election in said county, hereinafter provided for, the qualified electors of said county shall elect a sheriff, whose term of service shall commence on the first day of April next, and continue until the first day of January, A. D 1847.

Commission-
ers to locate
seat of Justice.

§ 4. That for the purpose of permanently establishing the seat of justice of the said county, a special election shall be held in the several precincts of the same, on the third Monday of March next; at which election every white male person of the age of twenty-one years, who is an actual resident of the said county at the passage of this act, shall be entitled to vote. The voters as aforesaid shall elect one commissioner in each of the several precincts of the county, who shall be a resident of the same, and shall be elected by the said precinct; and the voters as aforesaid of the county shall elect one commissioner, who shall be a resident of the county; making five in all, and they, or a greater part of them, shall form a board of commissioners for the purpose of establishing the seat of justice of said county.

Commission-
ers when and
where to meet.

§ 5. The commissioners elected in pursuance of this act, shall meet at the house of Major Pratt, in said county, on the second Monday of April next, and after having taken an oath or affirmation to faithfully and honestly discharge the duties conferred upon them, shall proceed to locate the seat of justice of said county at such place as they may deem most convenient for the present and future population of the said county, and they shall make a full report of all their doings to the clerk of the board of county commissioners on or before the first Monday of July next.

May purchase
land.

§ 6. The said commissioners are authorized to purchase of the United States, or of any individual, in the name of and for the use of the said county, any quantity of land not exceeding one quarter section, which land shall be the point selected by them for the seat of justice of said county; and they are authorized to borrow, for the purpose of purchasing the same, any sum of money not exceeding two hundred dollars, at a rate of interest not to exceed ten per cent; for the payment of which the county of Dodge shall be, and hereby is made liable.

Shall report
to clerk of
Board.

§ 7. So soon as the said commissioners shall have made the location of the seat of justice as aforesaid, it shall be their duty to make a report of the same to the

clerk of the board of county commissioners of said county, who shall record it, and certify the same to the Governor of this Territory, and he shall thereupon issue his proclamation declaring the place so selected to be the seat of justice of said county.

§ 8. The said commissioners shall receive for their services, such reasonable compensation as may be allowed them by the county commissioners of Dodge county. Compensation of commissioners.

§ 9. The county commissioners of the said county, are hereby authorized to levy a tax upon the taxable property of the said county, of any sum not to exceed three hundred dollars, which tax shall be appropriated to the payment of the debt created for the purchase of the lands embracing the seat of justice, and the payment of the expenses of locating the same, and to no other purpose whatever: *Provided*, that no tax exceeding three hundred dollars, shall be levied or expended in said county of Dodge, for the erection of public buildings in said county, until the assessment roll of said county shall amount in the aggregate to the sum of three hundred thousand dollars. May levy a tax.

§ 10. Until the seat of justice of said county is established and suitable buildings provided thereat, for the accommodation of the district court and the offices which by law are now required to be held at the seat of justice shall be lawful for the county commissioners to provide, Buildings and rooms. rooms for holding the sessions of the district court, at such place or places in said county as they may deem most convenient for its inhabitants; and the said officers may keep their offices at any place in the county.

§ 11. The county commissioners shall file in the office of the clerk of the district court of said county, at least sixty days before a session of the same, the place fixed upon (by) them for holding the said court; and the place or places so selected shall be deemed, for all intents and purposes, the court-house of the said county for the time being. Shall file with clerk the location.

APPROVED, January 20, 1844.

AN ACT relating to real actions, and for other purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

Claims to land.

§ 1. Whenever any person claims title to any lands, or town lots and tenements, under, through, or by virtue of any deed or conveyance heretofore executed, or hereafter to be executed, by any officer authorized by the laws of this Territory to execute the same, on account of any sale of any lands or town lots and tenements, for the payment of any tax heretofore or hereafter lawfully assessed thereon, or who shall claim title in fee simple under or by virtue of a deed from any other person, and a suit to recover such lands and town lots or tenements, shall be instituted by any person claiming title from any other source on the trial of such action, if the Jury to whom the cause is submitted, shall find the plaintiff entitled to such lands and tenements so claimed, a writ of possession shall be awarded by the court, provided no permanent and valuable improvements have been made on such lands, and tenements in good faith by the defendant, or those under whom he claims since the execution of such deed, or since the execution of a like deed to those from whom he claims as aforesaid, and before the commencement of said suit.

Suits when commenced.

Jury may find.

Writ of possession awarded.

Before commencement of suit.

Defendant claims improvement made.

Issue shall be made up.

Jury to be empannelled.

Proviso.

§ 2. If the defendant in any such suit, against whom a verdict may be found, shall claim that he, or any person or persons through whom he claims title, has in good faith, since the execution of such deed or deeds and before the commencement of said suit, made valuable and permanent improvements on the said lands or town lots, the court in which the said cause is tried, shall cause an issue to be made up between the parties forthwith, in which the defendant in the original suit shall be plaintiff, and the plaintiff in such suit, defendant; and a jury shall be empannelled at such terms, or at such subsequent term as the court shall appoint, to try the issue so made up, and assess the value of said improvements; and if they find that the plaintiff is entitled to recover any sum for or on account of such improvements, judgment shall be rendered for such sum as they shall so assess and award: *Provided* that nothing in this act shall entitle such defendant to claim payment for any improvements made prior to the passage of this act.

§ 3. If the plaintiff in the original suit shall elect to pay the defendant in such suit the value of such improvements, as assessed by the jury, with interest thereon from the time of such assessment and cost of the suit for the assessment of the value of such improvements, and all taxes assessed upon said premises, and paid by said defendant or those under whom he claims as aforesaid, with interest thereon within three years after the assessment of such damages and final judgment rendered thereon, the court shall upon satisfactory proof of the payment or the tender of the payment of the same, award a writ of possession; and if the said plaintiff shall not pay, or offer to pay the same within such time, he shall be deemed to have abandoned his claim of title to the premises in question, and he and all persons claiming under him shall be forever barred of a recovery of the premises so claimed, but shall, nevertheless, be liable for costs of such suit for the assessment of such improvements, and said defendant shall not be liable to pay for the use or occupation of said premises during the time, any part of such sums shall remain unpaid.

Elect to pay value of improvements
And all tax
Within three years
On proof of payment.
Barred of recovery

§ 4. That the owner or claimant of any lands sold for the non-payment of any town, county, or territorial tax, imposed thereon by virtue of any law of this Territory, may redeem the same at any time before the conveyance made on the sale of such taxes, shall be recorded in the register's office of the county in which such lands are situated. This section shall take effect and be in force on and after the first day of May next.

May redeem from sale for tax.

§ 5. Whenever any person having a lien upon real estate by mortgage, judgment, or otherwise, shall pay any tax levied by virtue of any law of this Territory on such real estate, or shall redeem the same from any tax sale, the sum thus paid shall be included in the amount of such lien, and shall be collectable upon foreclosure, or execution, in the same manner as the original debt for which such lien was given.

Who included in lien.

§ 6. Any laws of this Territory contravening the provisions of this act are hereby repealed.

Laws repealed.

§ 7. All actions now in progress in the courts, shall be conducted to their final decision, in the same manner as if this act had not passed.

Actions in same manner.

APPROVED, January 30, 1844.

AN ACT prescribing the time of holding the annual session of the Legislative Assembly.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

§ 1. That hereafter the annual session of the Legislative Assembly shall commence on the first Monday of January of each year.

§ 2. The first section of "An act fixing the time of holding the annual session of the Legislative Assembly, and for other purposes," approved 23d March, 1843, is hereby repealed.

APPROVED, January 24, 1844.

AN ACT to amend an act entitled "An act concerning justices of the peace," and for other purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin.

Bond when and how filed. § 1. Every justice of the peace hereafter elected shall file his official bond with the clerk of the district court, and it shall not be necessary to have the same recorded.

Judgment for costs against surety. § 2. When a plaintiff has given security for costs, if judgment be rendered for the defendant, the justice shall, on application, enter judgment against the surety for the costs; and issue execution thereon, after the execution on the original judgment shall be returned unpaid as to such costs or any part thereof.

Shall plead and file bill of particulars. § 3. Upon the return of any process, each party shall put in his pleadings, and give a bill of particulars of his demands, if required by the justice or opposite party; the justice shall then, upon the application of either party, without requiring cause to be shown, adjourn the case for such time as may be required, not exceeding one week; but if sufficient cause be shown on oath, by either party the justice shall grant an adjournment for a longer time than one week, not exceeding, however, ninety days. No costs shall be taxed for the travel or attendance of any witness in a cause on the return day of the original process issued

Continuances.

No charge for service of process or witness

therein, nor for the service of any subpoena issued therein No charge for returnable on that day, nor for travel in serving the same, service of process or witness. unless an actual trial shall be had in the cause on such return day.

§ 4. Any person aggrieved by any judgment rendered by a justice of the peace under the act of which this is amendatory, when the judgment shall exceed fifteen dollars may appeal by himself or agent, to the district court of the county where the same was rendered. *Provided* however, that where the claims of either party, as proved in the cause at the trial, shall exceed fifty dollars, or the claims of both parties, as proved on the trial, shall exceed one hundred dollars, then either party may appeal from such judgment, although the recovery before the justice be less than fifteen dollars; in which case the fact of such sum or sums having been proven on the trial shall be set forth and certified by the justice in his return: *Provided*, also, that in all cases where an appeal is not allowed by the provisions of this section, it shall be lawful for either party to remove the cause to the district court, by a writ of certiorari, and so much of article twelfth, of the act entitled an act, concerning justices of the peace, as will be necessary to carry the provisions of this section into effect, is hereby retained, section 14 of this act to the contrary notwithstanding, and in such cases it shall be the duty of the Justice, to return all the testimony and proceedings had before him: *Provided*, this law shall not interfere with any actions in cases of forcible entry and detain r.

When judgment exceeds \$15 may appeal.
when claim exceeds \$50 or both \$100 may appeal.
Proviso.
May certiorari case.
Section retained.
Justice shall retain testimony.

§ 5. No appeal shall be allowed in any case, unless the following requisites are complied with within ten days after judgment rendered, viz: 1st. An affidavit shall be filed with the justice before whom the cause was tried, stating that the appeal is made in good faith, and not for the purpose of delay. 2d. A recognizance entered into by the party appealing, his agent or attorney, to the adverse party, in a sum sufficient to secure such judgment and costs of appeal, must be entered into, with one or more sureties, to be approved by the justice.

Appeal bond in ten days.

§ 6. No acting justice of the peace shall hereafter hold his office in the same room with any practicing attorney, unless such attorney shall be his partner; and in that case, such partner shall not be permitted to appear or practice as attorney in any case tried before him.

Justice not to hold office with lawyer.

§ 7. Section eight of an act entitled "an act to amend

- Act construed to remove causes.** an act concerning justices of the peace," approved January 8th, 1840, shall be so construed as to permit the removal of a cause or trial from a justice but once, and no more; and no cause or proceeding shall be removed from before any justice of the peace unless the application therefor be made on the return day of the process, and before any proceedings had on the part of the defendant.
- Copy of summons need not be left.** § 8. No copy of summons need be left with the defendant where service of the same is made personally, unless it is demanded by him; and unless so demanded, the officer serving such summons shall not be entitled to fees for a copy thereof.
- Attachments when allowed.** § 9. In addition to the cases in which, as now provided by law, creditors may sue their debtors by attachment before a justice of the peace, they may hereafter do so whenever the debtor resides out of the county, and more than one hundred miles from the residence of the justice before whom suit is brought; which fact shall be set forth in the affidavit required to be filed with the justice.
- Garnishees.** § 10. No final judgment shall be rendered against any garnishee except in cases of judgment by default, to pay or deliver to the creditor of his debtor any other article or thing, in any other manner, or at any other time, than such garnishee would be obligated to pay such debtor; and whenever final judgment except in cases of judgment by default is rendered against any garnishee, it shall conform to the provisions of this section.
- To not give bond unless** § 11. No garnishee shall be required to give bond, as directed by the 21st section of article 11 of the act of which this is amendatory, unless the justice, after examination, shall be satisfied that due proof has been made of the facts required to be set forth in the affidavit specified in section 17 of said article.
- In replevin unless property worth \$750.** § 12. If the plaintiff, in any action of replevin hereafter brought in the district court shall recover any damages, he shall recover costs, unless it shall appear by the appraisal of the property replevined that such property was not worth seven and one half dollars; in which case he shall recover no costs.
- Term of office.** § 13. Justices of the peace hereafter elected, shall hold their offices for two years, and until their successors are duly elected and qualified—they shall be chosen at the elections in 1844 as now provided by law, and bien-

nially thereafter, but whenever a vacancy occasioned by ^{Vacancies} death, removal, or resignation shall occur in the office of ^{how filled.} a justice of the peace, such vacancy may be filled at the next election, when by law justices may be elected, but any person elected to fill such vacancy, shall not hold his office longer than the residue of the term of his immediate predecessor.

§ 14. That sections 4, 5, 6, and 15, of article third; section 10, of article fourth; section 1 and 2 of article ninth; article 10th and article 12th of the act entitled "an act concerning justices of the peace;" and section 51 of the act entitled "an act concerning costs and fees;" and all other acts and parts of acts repugnant to the provisions of this act are hereby repealed.

§ 15. When the name of any defendant is not known to the plaintiff, a suit may be commenced against him by a fictitious name, and it shall not be abated for that cause, ^{May com-} but may be amended on such terms as the justice shall ^{mence by fic-} think reasonable. ^{titious name.}

§ 16. If it appear on the trial of any cause before a justice from the showing of either party, that the title to lands is in question, which title shall be disputed by the other party, the justice shall immediately make an entry thereof in his docket, and cease all further proceedings in the cause, and shall certify and return to the district court of the county, a transcript of all the entries made in his docket relating to the case, together with all the process, and other papers relating to the suit in the same manner, and within the same time, as upon an appeal, and thereupon the district court shall proceed in the cause ^{When title to land how pro-} to final judgment and execution, the same as if said suit ^{ceeded in.} had been originally commenced therein, and the costs ^{To district court who shall hear cause.} shall abide the event of this suit.

§ 17. This act shall take effect on the first day of April next.

APPROVED, January 30, 1844.

AN ACT to provide for the election of Clerks of the Board of Supervisors, and for other purposes.

§ 1. *Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

That the Clerk of the Board of Supervisors in each of the counties in this Territory which have adopted the

Clerks how and when elected.	system of township and county government, shall be elected annually at the general election, by the qualified electors in each of said counties, who shall hold his office for one year, and until his successor is elected and qualified.
Tenure.	The term of service of said Clerk shall commence on the first Monday of January in each year.
When commenced.	§ 2. The term of service of the several Clerks of the Boards of Supervisors then in office, shall expire on the first Monday of January, A. D. 1845, and in case the said office shall in any way be or become vacant in any county, it shall be the duty of the Board of Supervisors of such county to appoint a Clerk of said Board who shall hold his office until his successor is duly elected and qualified.
When expire.	§ 3. It shall be the duty of the several Clerks of the Boards of Supervisors and County Commissioners, before entering upon the duties of their office, to give bonds to the Treasurer of the proper county, with two or more sureties to be approved by said Treasurer in the sum of two thousand dollars, with the condition following, to wit: the condition of this bond is such, that whereas A. B. has been elected a clerk of the Board of Supervisors or commissioners, (<i>as the case may be</i>) of the county of .
vacancies how filled.	Now, therefore, if the said A. B. shall faithfully discharge the duties of the said office, and shall pay to each and every person such sums of money as he, the said Clerk, shall become liable to pay, for, or on account of any money which may come into his hands as such Clerk, for any such person, together with interest and costs, if any accrue, after demand thereof made by any such person, his agent, assignee or attorney after such moneys shall have actually come into the hands of such Clerk, then the above to be void, otherwise to be in full force. And the Board of Supervisors or Commissioners of any county, may at any meeting require said Clerk to give new bonds to be approved by them.
To give bonds.	§ 4. A copy of such bond, under the official certificate of the Treasurer, with whom the same is filed, shall be legal evidence of the contents and execution thereof in all courts.
How approved	§ 5. The said clerk and his sureties shall be liable on said bond to each and every person for whom such Clerk shall receive money and refuse to pay the same; and it shall be competent for any person, to whom such Clerk and his sureties may have become liable as aforesaid, to
Form of bond	
Shall pay over money	
on demand.	
To give new bond.	
Copy of bond shall be evidence.	
Who and how liable.	

sue in his own name such Clerk and his sureties, or any one of them, in an action on the conditions of said bond for money had and received; and on proof that the said Clerk has neglected or refused to pay any such sum of money by him received as aforesaid, then, and in every such case, judgment shall be given against the party or parties defendant in such suit, for the money so received, together with interest and costs, according to the condition of such bond.

§ 6. It shall be the duty of the county Treasurer or Collector (*as the case may be*) immediately after the close of any sale of land for taxes, to make out duplicate lists of the lands so sold, together with the name of the purchaser and the name of the owner if known, and the amount for which each tract was sold; one of which lists shall be kept by the Treasurer of the county and the other shall forthwith be deposited by him with the Clerk of the Board of Supervisors or commissioners (*as the case may be*). Duplicate to be made out.

§ 7. Whenever any person shall wish to redeem any land hereafter sold by the county Treasurer or collector for taxes, he shall pay the amount required for such redemption, to the Clerk of the Board of Supervisors, or the Clerk of the Board of Commissioners of the proper county, who shall thereupon execute to him a certificate of redemption, specifying therein the amount so paid; and such clerk shall also enter on the said sale list kept by him, opposite to each tract redeemed, the name of the person redeeming, the sum paid for such redemption, and the time when paid; which certificate shall be presented to the Treasurer of the proper county, who shall countersign the same, and shall also in like manner make a similar entry on the sale list kept by him, with that which is required to be made by such Clerk. May redeem land sold.
Clerk shall enter the sum
Also entry on sale list.

§ 8. The said sale list kept by the Treasurer, or Clerk, and the proper entries made thereon shall be prima facie evidence in any prosecution against any such Clerk and his sureties, or either of them. List shall be evidence.

§ 9. If any such Clerk shall neglect or refuse to pay to any person upon demand any money which he may have received for him, he shall forfeit and pay for every such neglect or refusal, ten dollars; to be recovered by the party aggrieved, from such Clerk and his sureties, or either of them, in the same action and in the same man- On refusal to pay over shall forfeit \$10.

ner as is provided for the recovery of moneys in section five of this act.

§ 10. Every such Clerk upon the expiration of his office shall immediately pay over to his successor all the moneys in his hands received for the redemption of lands.

§ 11. Any lands or town lots and tenements which may hereafter be sold in any of the counties of the Territory for the non-payment of taxes, may be redeemed by any person having the right of redemption at any time within three years from the day of sale, and the interest in all such cases shall be at the rate of twenty-five per centum per annum until redeemed, any law of this Territory to the contrary notwithstanding: *Provided*, that when lands or town lots shall have been sold for taxes due thereon to any county, town or village of this Territory, the owner or claimant may redeem the same at any time before the recording of the tax deed executed upon such sale at the same rate of interest allowed by law thereon. This proviso to take effect on and after the first day of April next.

Redemption in three years.

Interest.

May redeem before recording deed.

§ 12. Any action for the recovery of lands or town lots and tenements, forfeited for taxes, except in cases where the taxes shall actually have been paid, shall be commenced within three years from the recording of the deeds of sale and not thereafter; and so much of any law of the Territory as conflicts with the provisions of this section is hereby repealed.

Actions within three years.

§ 13. If any lands or town lots and tenements upon which the taxes shall have been paid shall by the neglect of any Collector or Treasurer to cancel the same be returned to the proper officer as delinquent, and shall be sold by reason of such neglect such Collector or Treasurer shall be liable under his official bond to pay the purchaser of such lands or town lots and tenements, or his assignee, double the amount of such sales, and interest thereon, at the rate of twelve per centum, to be collected by an action of debt in any court having competent jurisdiction.

Collector further liable on his bond.

§ 15. The Clerks of the Boards of County Commissioners or County Supervisors, as the case may be, are hereby severally authorized and empowered to appoint a deputy who may, in the absence of such Clerk discharge any of the duties required of him by law: *Provided*, however, that such Clerks shall severally be held responsible under their official bonds for the acts of their respective deputies.

Clerk may appoint Deputy.

APPROVED, January 27, 1844.

AN ACT relating to the district courts in the second and third judicial districts, and for other purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

§ 1. That the district court for the county of Racine Racine coun. shall hereafter be holden on the second Monday of April, and the last Monday of October.

§ 2. That the district court for the county of Milwaukee Milwaukee county. shall hereafter be holden on the second Monday of June and the second Monday of November, and shall continue as long as business may require.

§ 3. That the terms of the district court for the county of Fond du Lac, and the counties thereto attached, Fond du Lac county. shall, as soon as the same shall be organized for the purpose, be holden on the second Wednesday next after the fourth Monday of May, and on the second Wednesday next after the second Monday of October.

§ 4. That the county of Dodge shall constitute a Dodge to what part of the third judicial district, and the district court therein shall be holden by the judge of said district, on the third Monday of May, and on the first Monday of October. attached and when held.

§ 5. The district court shall be holden at the county seat of the several counties in the second judicial district, Second dis. hereinafter mentioned, at the times specified herein, to wit: in Sauk county the fourth Monday in August; in Sauk. Green county, the third Monday in April and first Monday in September; Rock county, the fourth Monday in Rock. April and second Monday in September; Walworth county, Walworth. the second Monday after the fourth Monday in April and the fourth Monday in September; Jefferson county, J. ferson. the fourth Monday after the fourth Monday in April and the second Monday after the fourth Monday in September; and in Dane county, Dane. the fifth Monday after the fourth Monday in April and the third Monday after the fourth Monday in September.

§ 6. That all writs, summons, process, indictments, Process how recognizances, and all other proceedings in the said courts and when re- which now are, or may hereafter and before the first day turned. of March next be made returnable in any of the said

courts, at any time hereafter, shall be considered as returnable at the times fixed in this act for holding the next ensuing terms of said court, and all causes adjourned, continued, or noticed for trial or argument, shall be held to be for trial or argument at the times fixed by this act for holding the next ensuing terms of said courts in said counties respectively.

Judges may
hold special
terms.

§ 7. It shall and may be lawful for the judge of the district courts for either of the aforesaid counties, to hold special or adjourned terms, at any time he shall deem it necessary, for the purpose of hearing and disposing of all motions or questions of law, and all judgments, orders, or decrees, that may be made or entered at said special terms, shall be as valid and effectual, to all intents and purposes, as any judgments, orders, or decrees, made or entered in term time.

Deficiency of
jurors how
filled.

Sheriff to sum-
mons.

§ 8. It shall and may be lawful for the judge of the district court of either of the aforesaid counties whenever there shall happen to be a deficiency of jurors for any cause whatever, to award a special venire or venires, through the term on any day or days of the term to the sheriff of the proper county to summon a number of jurors sufficient to complete the number of the original panel.

Counties divi-
ded.

Judges of Pro-
bate.

§ 9. Whenever any counties, or counties organized or attached for judicial purposes, shall have been or shall hereafter be divided into two or more districts for the election of judges of probate, all causes, proceedings and matters pending in any of the probate courts at the time of such division, shall be continued, proceeded in, heard and determined, and the estates to which they may refer, shall be finally settled, in the same manner they could have been had no such division taken place, and for that purpose, the process and orders of any such court, shall have force in all parts of the district as the same existed prior to such division.

Order, &c. to
have force.

Acts repealed.

§ 10. The act entitled "An act to amend the act of the revised statutes concerning the supreme and district courts," approved February 16, 1842, is hereby repealed, and all acts or parts of acts contravening the provisions of this act are hereby repealed.

§ 11. This act shall take effect on the first day of March next.

APPROVED, January 27, 1844.

AN ACT to submit to the people of Wisconsin the question of the expediency of forming a state government.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin, as follows, to wit:

That at the general election to be held in this Territory on the fourth Monday of September next, all persons who shall be authorized by any law of the Territory, which has been or which may be hereafter passed, to vote on the question of forming a state government, shall be authorized to vote on that question at said election, by depositing with the judges of election in a separate box, to be prepared and kept by them, a ballot upon which shall be written or printed, "for state government" or "against state government," and all such votes shall be canvassed, certified and returned in the same manner as is required by law for canvassing, certifying and returning of votes for Delegates to Congress, and the secretary of the Territory is hereby required to certify to the Legislative Assembly at its next session, the result of such vote.

When to vote.
Who may vote
Shall deposite vote.
For or against
Votes how
canvassed and
returned.

APPROVED, January 26, 1844.

AN ACT supplementary to an act to provide for the punishment of offences against the public peace.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That in all cases of indictment in the district court, for assault with intent to commit any felony, it may be lawful for the jury, in case they do not find the felonious intent charged, to convict of the assault; and the person so convicted, shall be punished by imprisonment in the jail of the county, for a term not exceeding one year, or by fine not exceeding five hundred dollars.

Jury may convict for assault

§ 2. In cases appealed to the district court under or in pursuance of article thirteenth, of the act concern-

ing justices of the peace, if the judgment of the justice shall be affirmed or upon any trial of the district court the defendant should be convicted, and a fine assessed the person so convicted, shall be sentenced to pay such fine as in other cases, and the court in addition shall enter judgment against the person so convicted, and his sureties in the appeal for the amount of such fine, and all costs and award execution for the same as in cases of appeal from justices of the peace in civil actions, and sections eighteen and nineteen of said article are hereby repealed.

On conviction to pay fine. Judgment a- gainst sureties Execution.

Jurors how drawn and sworn. Need not pay Jury fee.

§ 3. That the jury in criminal trials before justices of the peace shall be drawn, and summoned in the same manner as now provided by law in civil cases; and it shall not be requisite for either party to pay the jury fee in advance in such cases, or for an appellant in criminal cases, to pay any fees in advance, upon the taking such appeal.

APPROVED, January 27, 1844.

AN ACT to organize the county of Sauk.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

§ 1. That from and after the second Monday in March, 1844, the county of Sauk shall be and remain, to all intents and purposes, an organized county of this Territory, and shall have all the rights and privileges which organized counties in the same of right have; and the said county of Sauk, shall when the township lines within its limits shall be surveyed be bounded as follows, to wit: on the north by the town line between towns thirteen and fourteen, and the right bank of the Wisconsin river, wherever said bank extends south of said line, on the east by the range line between ranges seven and eight east, and the said right bank wherever the same extends west of said line, on the south by a line running through the middle of the main channel of the Wisconsin river, where the said river runs through ranges seven, six, five, four, and three east, and on the west by the range line between ranges two and three east, and until the said township

Organized.

Boundaries of the county.

lines are surveyed, its boundaries shall be as now prescribed by law.

§ 2. For the purpose of electing the first county officers, the polls of election shall be opened on the second Monday in March, 1844, at the house of William H. Hubbard, in Sauk Prairie precinct, and at the house of James Webster, in the Baraboo precinct, in said county, and be conducted in all respects as is provided by law, for the election of officers in other counties. Elections when and where held.

§ 3. The returns of the first election shall be made to the clerk of the board of county commissioners of Dane county, who shall proceed to canvass the votes and issue certificates of election in the manner provided by law. Returns how made.

§ 4. All officers elected agreeably to the provisions of the preceeding section of this act, shall hold their office until the time of holding the next succeeding general election in the Territory, and until others are elected and qualified; and all subsequent elections shall be held at the time and in the manner now provided by law for holding elections in other counties. Tenure of office.

§ 5. Noah Phelps of Green county, Charles Hart of Milwaukie county, and John Morrison of Jefferson county—are hereby appointed commissioners to locate and establish the seat of Justice of said county of Sauk. Commissioners.

§ 6. The said commissioners, or a majority of them, shall meet at the house of William H. Hubbard in said county, prior to the first day of April next, and on such day as they may agree upon, and before proceeding to discharge the duties assigned them by this act, shall severally take an oath before some person authorized to administer the same for the faithful performance of the duties of their appointment. When and where to meet.

§ 7. It shall be the duty of said commissioners to make a careful examination of said county, having regard to the present and probable future population of said county, and to locate the seat of justice thereof, where in their opinion it will be for the best interest of the county. Take oath.

§ 8. So soon as the said commissioners shall have made the location as aforesaid, it shall be their duty to make and file their report in the office of the register of deeds for said county, who shall record the same, and said commissioners shall immediately certify to the Governor of the Territory, where the seat of justice of said county has been located by them, and the Governor shall there- Shall examine county. Where to file report. Certify to Governor.

upon issue his proclamation, declaring the place so selected, and certified by them to be the seat of justice of said county.

Compensation how paid. § 9. The said commissioners are hereby allowed three dollars per day, each to be paid out of the treasury of the said county of Sauk, for every day they are necessarily employed in such service.

Second District. § 10. The county of Sauk shall constitute a part of the Second Judicial District, and the term of said court shall be holden on the last Monday in September annually, and the first term of said court to commence in September, 1844.

Suits commenced. § 11. All cases which may have been removed by appeal or certiorari from the judgment of any justice of the peace of said Sauk county to the district court of Dane county before the taking effect of this act, shall be prosecuted to final judgment in said district court in the same manner, and the same court shall have jurisdiction to proceed therein as if this act had not been passed.

County Commissioners to hold session. § 12. The board of county commissioners shall hold their regular sessions semi-annually at the seat of justice in said county on the first Monday in April and October.

Transcribe records. § 13. The register of deeds of the county of Sauk shall have the privilege of transcribing from the records of Dane county, free from charge, any record of conveyance of land or personal property, or any charge or mortgage concerning the same, lying and being in the county of Sauk, and the same to record in his own office; and such records shall be as good evidence in all courts as the original records of Dane county can be.

Tax. § 14. All personal property in the county of Sauk, shall be taxed in the same proportion that real estate is taxed.

Suits how prosecuted. § 15. In all cases where suits have been commenced in the district court for Dane county, previous to the taking effect of this act, and which by the terms of this act could only after the passage of the same be commenced in the district court for Sauk county, it shall be competent for either party to such suit, by application to the clerk of the district court of Dane county, and payment of the legal fees of said clerk for making a certified transcript of all the proceedings therein, to remove such suit to the district court for the county of Sauk, and it shall be the duty of the clerk of the district court of Dane county

ty, in any such case, to make a certified transcript of all writs, process, pleadings, papers, and proceedings whatever, in such suit, and transmit the same to the clerk of the district court for Sauk county; and the district court for Sauk county shall have jurisdiction of all such suits the same as though they had been originally commenced in Sauk county.

§ 16. Nothing in this act shall be so construed as to Dane County prevent the collector of Dane county, from collecting any ^{may collect tax} tax now due from the citizens of Sauk county.

APPROVED, January 10, 1844.

AN ACT to punish trespass on lands.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin.

§ 1. That any person who shall wilfully cut down or ^{Cut or girdle any tree.} destroy or, by girdling or otherwise, shall injure any tree growing or standing upon the private property of any individual, or who shall wilfully cut upon, or take, carry or haul away from any such land any timber or wood previously cut or severed from the freehold, or who shall wilfully cut down or destroy, or by girdling or otherwise shall ^{Or injure.} injure any tree standing or growing upon, or who shall dig or carry away any mineral, earth or stone, in or upon ^{On any mineral or school land.} any of the lands reserved and set apart for the use and support of a University in the Territory of Wisconsin, or in or upon any lands reserved or set apart for school purposes, or any of the even sections upon the canal grant, sworn out of market by the settlers upon such lands, shall be held guilty of a misdemeanor, and upon ^{On conviction} conviction of any of said offences, shall be punished by imprisonment in the county Jail of the proper county, not ^{Imprisoned and fined.} more than one year, or by fine not exceeding five hundred dollars, nor less than five dollars: *Provided*, that any ^{Proviso.} justice of the peace, shall have concurrent jurisdiction in ^{Justice to have jurisdiction,} his own county with the district court of any offence in this act, when the value of the trees, wood, timber, mineral, earth or stone shall be alleged, not to exceed the sum of fifty dollars, and in such case the punishment shall be ^{Fine not less than \$3 nor more than \$50} by fine, not less than three, nor more than fifty dollars;

and if any person on conviction of such offence shall refuse or neglect for the space of ten days, to pay such fine he shall be imprisoned in the county Jail, not less than ten nor more than fifty days.

§ 2. The twenty sixth section of an act entitled an act, to provide for the arrest and examination of offenders, commitment for trial and taking bail shall be construed to embrace offences under this act.

§ 3. This act shall take effect on the first day of March next.

APPROVED, January 27, 1844.

AN ACT to postpone the payment of principal and interest moneys due from purchasers of canal lands, and other purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin.

Payment of
interest, &c.
postponed.

§ 1. That the payment of all principal and interest money which now is, or which may hereafter become due to this Territory, from purchasers of lands granted by Congress to said Territory, to aid in the construction of the Milwaukee and Rock River Canal, be, and the same hereby is indefinitely postponed; and no suit shall be instituted, at law or in chancery, upon any bond, mortgage, or other security, given for any such principal or interest money, until such times as the Legislature shall hereafter determine; and in case any such bond, mortgage, or other security, shall not be paid or discharged until such time as the Legislature shall prescribe, the same, or the condition thereof, shall not for that cause be deemed to have become forfeited: *Provided*, that nothing herein contained shall affect the right of the Legislature at any time hereafter to require the payment of said interest and principal moneys at such times or on such conditions as they may provide, not inconsistent with the contracts of such purchasers.

Proviso.

Who may pay
tax to.

§ 2. That all persons whose lands on said canal grant have been sold for taxes, and redeemed by the Territory or any of its officers or agents, may pay to the Re-

ceiver of the Milwaukee and Rock River Canal, the amount which may have been paid for such redemption, with seven per cent. interest on such payment; and such payment when made shall defeat any title or claim to any such lands, which the Territory may have acquired by such redemption.

APPROVED, January 25, 1844.

AN ACT to change the time for holding the annual meetings of the several boards of county supervisors.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

§ 1. That the annual meeting of the board of county supervisors, shall hereafter be held on the first Monday in each year, following the day now prescribed by law, for holding the general elections in this Territory. Commissioners when to hold meetings

§ 2. The chairman of town supervisors in the several towns, whose duty it shall be to attend the annual meeting of the board of county supervisors, shall return the poll books of the general election of their respective towns, without charge for mileage. No charge for returning poll book.

§ 3. In case of the absence by sickness or other cause of the chairman of the board of supervisors, one of the board present shall return the poll books at the time specified in section one, and shall be paid as is by law now provided. Who may return poll book

APPROVED, January 10, 1844.

AN ACT in relation to the qualifications of voters for state government and for the election of delegates to form a state constitution.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

§ 1. That whenever the question of forming a state government in Wisconsin Territory shall be submitted

Who shall
vote.

to the people thereof, all the free white male inhabitants, above the age of twenty-one years, who shall have resided in said Territory three months, shall be deemed qualified, and shall be permitted to vote upon said question.

To reside six
months in
Territory.

§ 2. That at any election hereafter to be held in this Territory, for the purpose of choosing delegates to a convention to form a constitution and state government for the people of said Territory, all the free white male inhabitants thereof, above the age of twenty-one years, who shall have resided in said Territory three months next preceding such election, shall be deemed qualified, and shall be permitted to vote for such delegates.

APPROVED, January 22, 1844.

AN ACT to amend an act entitled "an act concerning costs and fees."

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Demands ex-
ceed \$50

Shall have
costs.

§ 1. That in all actions commenced in the District Court if the demand of the plaintiff as found on the trial shall exceed the sum of fifty dollars, and shall by the set off of the defendant be reduced to a sum less than fifty dollars, the plaintiff shall have judgment for his damages and costs.

§ 2. And the fifty-third section of the act of which this is amendatory is hereby repealed.

Part of act re-
pealed.

§ 3. That provisions in the 13th section of said act which authorizes constables to be paid out of the Territorial Treasury for attending the District Courts is hereby repealed.

Limitation act

§ 4. Whenever any cause of action shall have accrued in this Territory, and the person against whom it has accrued shall be absent from and reside out of the Territory, the time of his absence shall not be taken as any part of the time limited for the commencement of the action, and the statute of limitations shall cease to run during such absence.

APPROVED, January 27, 1844.

AN ACT to set off the several towns therein named.

*Be it enacted by the Council and House of Representatives
of the Territory of Wisconsin, as follows, to wit:*

§ 1. All that district of country, on the west side of Fox river and Green Bay, (now comprising a part of the town of Green Bay,) and formerly known as the towns of Howard, Paysaukie, and Oconto, be, and the same is hereby set off, into a separate town; and shall be known as the town of HOWARD. Town of How.

§ 2. The first town meeting for said town of Howard, shall be held at the house of Daniel W. Hubbard on the Suamico River. Town meeting where held.

§ 3. All that district of country in surveyed township number two north, range twenty east, now part of the towns of Burlington and Salem, county of Racine, and all that district of country comprised in the surveyed sections numbered twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, and thirty-six, in township three north, in range twenty east, fourth meridian, now part of the town of Burlington in said county, be, and the same is hereby set off into a separate town to be known and distinguished as the town of Brighton; and the first town meeting shall be held at the house of Michael Ward in said town. Town of Brighton. Town meeting when & where held.

§ 4. All that district of country comprised in town one north, in range eighteen east, fourth meridian, be, and the same is hereby set off as a separate town, and shall be known and designated as the town of Bloomfield, in the county of Walworth—and the first town meeting shall be held at the house of Ebenezer Tupper in said town. Town of Bloomfield. 1st town meeting when & where held.

§ 5. All that district of country in surveyed township number two, range eighteen east, being now part of the town of Geneva, in the county of Walworth, be, and the same is hereby set off into a separate town, to be known and distinguished as the town of Hudson; and the first town meeting shall be held at the house of John Stacy in said town. Town of Hudson. 1st town meeting when & where held.

§ 6. All that district of country comprised in surveyed township number one north, range seventeen east, now a part of the town of Geneva, county of Walworth, be, and

Town of Linn the same is hereby set off into a separate town, to be known
Town meeting and distinguished as the town of Linn; and the first town
when & where meeting shall be held at the house of James Nelson in
held. said town.

Geneva. § 7. That all that part of the present town of Geneva,
First election in Walworth county, comprised in township two, range
when & where seventeen east, is hereby set off and organized into a sep-
held. arate town, by the name of Geneva, and the first election
in said town, shall be held at the Inn of Manning & Thomp-
son in said town.

Town of § 8. All that part of the county of Calumet lying north
Stockbridge. of the north line of the tract known as the "Brothertown
Town meeting Reservation" extended west to the west line of said coun-
where & when ty and north of the township line between townships
held. seventeen and eighteen of range twenty east, shall
constitute a separate town by the name of Stockbridge,
and the first town meeting therein shall be held at the
house now occupied as the school house of said town.

Town of O. § 9. That all that part of the town of Summit, in the
conomewoc. county of Milwaukee comprised in township eight range
Town meeting seventeen, be, and the same is hereby set off and organ-
when & where ized into a separate town by the name of Oconomewoc;
held. and the first town meeting shall be held at Rockwell &
Cotton's mills in said town.

§ 10. That the several towns set off and organized by
this act, shall each be entitled to, and enjoy all the
rights and privileges which are granted by law to the
other towns in this Territory.

Spelling of § 11. That township five north of range eighteen east,
name of town now called Mequanego, shall hereafter be known and
changed. distinguished as Mukwonago.

§ 12. This act shall be of force and take effect from
and after the first Monday in April next.

APPROVED, January 23, 1844.

AN ACT to prevent disturbances and interruption at camp-meetings.

*Be it enacted by the Council and House of Representatives
of the Territory of Wisconsin :*

§ 1. That any person who shall sell any ardent spirits,
wine, beer, cider, cakes, goods, wares, merchandize, or

other thing, within one mile of any camp-meeting, without the consent of a majority of all the tent holders at such camp-meeting, and of the minister or ministers having charge of such meeting, or who shall otherwise wilfully interrupt or disturb such meeting, shall be punished by a fine not exceeding twenty dollars nor less than five dollars, to be recovered on complaint before any justice of the peace within the county: *Provided*, that nothing herein contained shall be construed to prohibit any such sale at any regularly established store, tavern, or sale shop, established previously to such meeting, and not established with the intent to evade the provisions of this act.

APPROVED, January 25, 1844.

AN ACT to amend "An act to prescribe the mode of proceeding in chancery."

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

§ 1. That all process issuing from the district court, in proceedings in chancery, shall be tested in the name of the judge of the court from which it shall issue, or of some one of the judges of the supreme court, and shall bear teste on the day on which the same shall be issued, and shall be made returnable on a day certain, therein to be mentioned, either in term time or vacation, and shall be served in the manner now required by law: *Provided*, that it shall not be necessary for the clerk to endorse thereon the day when the same was issued, nor for the sheriff to endorse thereon the day when the same came into his hands.

How settled.
How served.
need not endorse.

§ 2. On the return of a subpoena "served" by the sheriff, or other proper officer, the complainant may enter an order with the clerk of the proper court, requiring the defendant, if a resident of the county, to file his plea, answer or demurrer, by a day certain, to be not less than thirty days from the date of such order; and, if a non-resident, by a day certain, to be not less than ninety days from the date of such order; and if the defendant shall not file his plea, answer or demurrer within the time limited

On return of subpoena order may be entered.
Non-resident.

- by such order, then the complainant may enter an order with the clerk that the bill of the complainant may be taken as confessed against the defendant in such order named: *Provided*, however, that the court or judge, in vacation, may, upon good cause shown by the affidavit of the defendant or his solicitor, enlarge the time for answering to a period not exceeding in the whole ninety days from the entry of the original order.
- Taken as confessed.** § 3. In all cases of absent, non-resident, or concealed defendants, the judge at chambers shall have the same powers that are now vested in the court by the forty-fifth section of the act to which this is amendatory.
- May enlarge the time.** § 4. When a bill shall be taken as confessed, the complainant may enter an order with the clerk referring the same to a master to take proofs.
- Non-resident defendants.** § 5. When an answer shall be filed and the time for excepting thereto shall have expired, either party may enter an order with the clerk, referring the bill and answer to a master to take proofs as to the matters therein contained; and the master to whom such reference shall be made, shall give reasonable notice to the parties or their solicitors of the time and place of taking the same.
- Taken as confessed.**
- Order may be entered to refer to master.**

APPROVED, January 6, 1844.

AN ACT to authorize the construction of certain dams therein mentioned.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin, as follows, to wit:

- Dam, who may build and maintain.** § 1. That David Jones and Erastus Bailey and their associates, be, and they are hereby authorized and empowered to build and maintain a dam, or to maintain such dam as they have already built, on lots number three and
- On what lands** number seven in section nineteen in township thirty north, range twenty-three east, of the fourth principal meridian, on lands owned by them and their associates, sufficient to
- Head of water** create a head of eight feet high from the bottom of said river, for hydraulic purposes.
- What law applicable.** § 2. That the general law approved January thirteenth, eighteen hundred and forty "relating to Mills and Mill-Dams, shall be, and is hereby declared to be applicable

to said dam now built, or which may be constructed by virtue of this act.

§ 3. That this act shall be subject to amendment or ^{May be re-} alteration, whenever the said river shall be so improved ^{pealed.} above said dam, as to admit of the passage of boats and barges, by any future Legislature of the Territory of Wisconsin, or the future state; and the said Jones and Bailey, their associates and their successors shall construct and keep in good repair a sufficient slide, not less ^{Keep a slide.} than forty feet wide, and so constructed as not to cause a fall of more than one foot to every ten feet of smooth surface, and to admit of the passage of all rafts of lumber &c. down said stream.

§ 4. That Calvin M. Bonton and Joseph Bonton and their associates, successors and assigns, be, and hereby ^{Dam.} are authorized to maintain the dam across Rock River constructed by them, on land owned by them on the ^{Where.} west half of section No. 3, in township No. 8, of range No. 15, in the county of Jefferson: *Provided*, that said dam shall not exceed in height eight and half feet from ^{Height.} the bottom of said river.

§ 5. The said Calvin M. Bonton and Joseph Bonton, their successors and assigns, shall be subject to, and ^{Shall comply} comply with all the provisions and restrictions contained ^{with act.} in an act entitled "an act to authorize the construction of a dam across Rock River," approved February 4, 1842.

§ 6. That James H. Rogers and his associates, successors and assigns, be, and they are hereby authorized to ^{Dam on Mil-} build and maintain a dam across the Milwaukee river, ^{waukee river.} upon the south-west fractional quarter of section number four, in township number seven north of range number ^{On what lands} twenty-two east, in the county of Milwaukee, to erect Mills or other machinery, or in any other manner to make use of the water for hydraulic purposes, that may be deemed necessary for the facilities of business: *Provided*, ^{Proviso.} that the lands upon which said dam and its appurtenances are constructed, shall be owned by the said James H. Rogers or his associates.

§ 7. That the said James H. Rogers, his associates, successors and assigns, shall construct and maintain in said dam a convenient chute or slide, for the free pas- ^{Slide to be} sage of rafts and timber down said river, and keep the ^{kept in repair.} same in good repair, said slide not to be less than thirty feet wide, and so constructed as not to cause a fall of

more than three feet to every twelve feet of smooth surface.

Locks, size of. § 8. That the said James H. Rogers, his associates, successors and assigns, shall (whenever it shall be needed for the passage of boats and vessels navigating said river,) construct and maintain in said dam a convenient lock or locks, each eighty feet long between the gates, and twenty feet wide in the clear, for the free passage of all boats and other water craft.

§ 9. The said dam shall be subject to all the provisions of an act entitled "an act in relation to Mill-Dams," approved, 13th January 1840.

Oconto dam on. Head of water. Proviso. § 10. That John P. Arndt and his associates, be, and they are hereby authorized and empowered, to build and maintain a dam on the Oconto river, on the south-east quarter of section thirty, in township twenty-eight north of range twenty-one east of the fourth principal meridian, on land owned by him or them, sufficient to create a head of seven feet above high water mark, and to make use of the water power created thereby, for hydraulic purposes: *Provided*, that nothing in this section shall in any manner authorize an interference with the privilege heretofore granted to George Lenwick and his associates, to build a dam on said stream below the place mentioned in this act.

§ 11. That the general law approved January 13th, 1840, "relating to Mills and Mill-Dams," shall be, and hereby is declared to be applicable to said dam to be built by John P. Arndt and his associates.

Slide, size of Fall, how much. § 12. This act shall be subject to amendment, alteration, and repeal, whenever the Territory or future state, may deem it expedient to remove obstructions to the free navigation of said Oconto River, and the said Arndt and his associates, and successors, or assigns shall construct and keep in good repair, a sufficient slide not less than forty feet wide, and so constructed as not to cause a fall of more than one foot to every three feet of smooth surface, and to admit the passage of rafts of lumber, or timber down said stream, without injury or unnecessary delay to the owner thereof.

§ 13. This act may at any time be altered, amended or repealed by the Legislature.

APPROVED, January 27, 1844.

AN ACT to authorize the construction of a bridge across the Milwaukee River in the town of Milwaukee.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin.

§ 1. That George D. Dousman, Andrew McCormick, David Merrill, and such others as shall associate with them for that purpose, are hereby authorized to construct a float bridge across the Milwaukee river, from the foot of Water street, in the East Ward of the town of Milwaukee, to the foot of Ferry street, on Walker's Point, in said town. Bridge on Milwaukee river.

§ 2. The cost of constructing, repairing and attending said bridge, shall be paid by voluntary subscription, and under no pretence whatever shall any part thereof be paid out of the county treasury; and said bridge when completed shall be and forever remain FREE, and no person or persons crossing the same shall be required to pay any toll therefor. Cost how paid
No toll.

§ 3. The said bridge shall be constructed without any pier, abutment or other permanent work obstructing or encroaching upon the channel of the Milwaukee river—but shall rest on water-tight scows or boxes to be confined to their places by piles with a convenient draw, double or single, not less than sixty-five feet in the clear, and so constructed as to admit the free passage of all water craft navigating said river without hindrance or delay. No pier,
On boxes and draw 65 feet.

§ 4. The said bridge shall be kept in repair by the said Dousman and associates, three of whom shall be chosen as trustees to take charge of said bridge, by the subscribers to the same, and notice of the selection of said trustees shall be published in one of the newspapers in the town of Milwaukee; and whenever said trustees shall be changed, similar notice shall be given; and the said bridge shall at all times be attended so as to pass all water craft at all times free of expense and without delay. How kept in repair.
Notice.

§ 5. That in case any damage shall happen to any person or persons, or their property, by means of the insufficiency of said bridge, or want of repair thereof, or from the improper attendance thereof, the party aggrieved may recover the amount of damage in an action against May recover damages.

the trustees of said bridge, or either of them, before a court of competent jurisdiction.

§ 6. That if any person or persons shall wilfully and maliciously injure, damage or destroy said bridge, or any part thereof, such person or persons shall for every such offence forfeit and pay the sum of fifty dollars, in addition to the penalty provided in the statutes for such offence and pay all damages consequent upon such offence over and above such forfeiture.

For injuring
how punished.

§ 7. Nothing contained in this act shall be so construed as to prevent the district court of Milwaukee county, for good cause, from ordering said bridge to be removed; and this act may at any time be altered, amended or repealed.

May be removed.

APPROVED, January 22, 1844.

AN ACT to enable school districts to raise taxes.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That if any town in this Territory shall neglect or refuse at their annual town meeting to raise money for the support of schools within the same, it shall be lawful for any school district within the limits of such town, at a meeting duly notified for that purpose to raise such sum of money for the support of schools as a majority of the legal voters of such district shall determine. *Provided*, that the sum so raised shall not exceed one fourth of one per cent and shall be appropriated for no other purpose than the pay of teachers who are duly qualified as the law requires. And provided further, that such tax shall be levied upon the annual town assessment roll of the property within the school district for the year in which the same shall be voted.

May raise money.

Proviso.

Not exceed one fourth of one per cent.

What property liable.

§ 2. When a district is composed of parts of two or more towns the school tax assessed by any one of said towns shall be distributed only to such inhabitants of said district as reside in the town that voted the assessment.

Two or more towns.

APPROVED, January 30, 1844.

AN ACT to authorize the village of Racine to borrow money, and for other purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That the trustees of the village of Racine be and they are hereby authorized to borrow upon the credit of ^{Trustees to} said village, the sum of five thousand dollars, or less, for a ^{borrow money} term not exceeding five years, in such sums as they may deem proper, (on) interest not exceeding twelve per cent. payable annually, to be applied towards the construction of a harbor at that place.

§ 2. That said trustees may appropriate towards paying the interest on such loans which shall accrue in the ^{To pay inter-} years 1844 and 1845, so much of the tax which shall be ^{est.} raised under the act entitled "an act to authorize the village of Racine to raise money, and for other purposes," as shall be necessary therefor: and that during the years 1846, 1847 and 1848, they shall raise a tax not exceeding twenty-two hundred dollars for each year, for the purpose of paying the principal and interest on said loans.— And the money so raised shall be applied towards the payment of the principal and interest of said loan and for no other purpose whatever, said tax shall be levied on the same kind of property that the tax for the construction of the harbor is now levied upon. ^{Lot annexed.} Lot five of section nine town three range twenty-three is hereby included within the limits of said village and such parts thereof as are owned by or held in trust for the benefit of said village shall be exempt from taxation for village purposes while they are so owned or held.

§ 3. No person shall be entitled to vote at the elections authorized by an act entitled "an act to authorize the village of Racine to raise money, and for other purposes," approved March 30th, 1843, unless he shall have all the qualifications of a voter at a general election, in addition ^{Who entitled to vote.} to being a free-holder of property in said village. And any person offering to vote at such election, may be challenged, and then the same proceedings shall be had as at general elections. ^{Proviso.} *Provided*, that no person shall vote who has not been a free holder for two months previous to the time when any tax shall be voted.

§ 4. The tax authorized by said last mentioned act ^{Tax when lev} shall be levied whenever two-thirds of the voters who ac-^{ted.}

Proviso. tually vote upon the question shall be in favor of the same. *Provided*, that the said tax shall be levied within two years from the passage of this act and not afterwards.

May appoint agent. § 5. It shall be lawful for the trustees of said village to appoint an agent to attend any sale of lands, made for the purpose of collecting taxes due said village, and bid off said lands for the taxes and charges due thereon, in the name of said trustees and the said trustees or their successors shall acquire, by such purchase in trust for said village all the rights which might have been acquired by any other purchaser.

To give notice § 6. The assessors of said village, after they have made out their assessment roll, shall give one week's notice of the time and place at which they will meet to equalize and correct the same.

APPROVED, January 6, 1844.

AN ACT to authorize the President and trustees of the town of Milwaukee to borrow money.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

May borrow \$15 000. § 1. That the President and Trustees of the town of Milwaukee be, and they are hereby authorized to borrow on the credit of said town a sum of money not exceeding fifteen thousand dollars, payable in not less than five nor more than ten years, at a rate of interest not exceeding ten per cent, to be expended under the direction of said President and Trustees in dredging the Milwaukee River and opening a channel and constructing piers at or near the point on the Lake shore designated by Lieuts. Center and Rose in the year 1836 for the construction of the Milwaukee Harbor.

Interest.
How expend. cd.
Piers.
Duty of Pres. ident and trustees to levy tax to pay interest. § 2. Whenever such loan or any part thereof is effected it shall be the duty of the President and Trustees of said town to levy and collect in the manner that the ordinary tax in said town is levied and collected and on such property as is now taxable in said town an annual special tax sufficient to discharge the interest accruing annually on such loan, which tax shall be applied to-

wards the payment of such interest and to no other purpose whatever.

§ 3. The said President and Trustees are hereby authorized to designate what part of said loan shall be chargeable upon and payable by the east ward and what part shall be chargeable and payable by the west ward of said town. What part Chargeable to west ward.

§ 4. That no money shall be borrowed under the provisions of this act unless a majority of the voters of said town possessed of a freehold estate therein who shall actually vote upon the question shall first determine to authorize such loan, and for this purpose the said President and Trustees are hereby authorized to order a special election of the voters under this act at such time and in such places in said town as they may deem proper, and such election shall be conducted in the same manner as other elections in said town: *Provided*, That ten days notice of the time and place of conducting such election shall be first given by said President and Trustees. Majority to vote for loan. Special election. How conducted. Notice of

APPROVED, January 27, 1844.

AN ACT Relating to Territorial Roads.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. The County Commissioners or Commissioners of Highways in any town or county shall in no case discontinue any Territorial road nor cause to be shut up or obstructed any United States road in this Territory or any part thereof, and in case they shall alter any portion of such roads the same shall be done in pursuance of the provisions of the law according as the part so altered shall lie in those counties which have or have not adopted the township system of Government, and in case the portion so altered shall be in any county which has adopted such system; then an appeal from any decision therein shall lie to the board of county supervisors whose decision shall be final. Commissioners shall not alter roads. How done. Shall be in county. Appeals how taken.

§ 2. The acts of the commissioners appointed in pursuance of the 8th section of an act entitled "an act to provide for laying out and establishing Territorial roads therein named," approved January 13, 1840, are hereby declared to be valid and the road surveyed and located Act revived.

Road in
Whitewater
reinstated.

by them is hereby declared to be a Territorial road subject to the provisions of this act and the acts of the highway commissioners of the town of Whitewater, whereby a portion of said territorial road has been declared to be discontinued or altered is hereby declared to be null and of no effect.

APPROVED, January 27, 1844.

AN ACT to establish certain territorial roads therein named.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

§ 1. That Minas Collins, Forister Dexter and Oliver P. Williams be, and they are hereby appointed Commissioners to lay out and establish a Territorial road, leaving the United States road near the house of Seymour Wilcox, in Fond du Lac county, and running on the north side of Fox Lake to intersect the same at or near the point where the said United States road passes from the prairie into the timber on section twenty-seven, town thirteen, range eleven.

§ 2. There shall be a Territorial road established, commencing at Watertown in the county of Jefferson, and cross the Crawfish river near the house of Olney Edwards, and continue on the most practicable ground, via Waterloo settlement, to intersect the Madison road, and that William H. Potter, Duncan Campbell and Thomas Noyes be commissioners to lay out said road.

§ 3. That Ebenezer Brigham, Berry Haney and John Metcalf be, and are hereby appointed commissioners to lay out and establish a Territorial Road, beginning at Helena, in the county of Iowa, and crossing the Shot Tower Creek where the road to the Blue Mounds crosses the same, thence to Arena Creek, crossing it at the place where a bridge was formerly built, thence on the most eligible route to the Cross Plains, intersecting the road from Madison to Prairie du Sauk.

§ 4. That Joseph Keyes, Jonathan Lyman, and Jacob P. Brown, be, and they are hereby appointed commissioners to lay out and establish a Territorial road from

Lake Mills, in the town of Aztalan, in the county of Jefferson, and running in a northeasterly course on the most practicable route, until it reaches the settlement now known as the Beaver Dam, on the Crawfish river, in the county of Dodge.

§ 5. That Edward B. Sloan, of the town of Fairplay, and county of Grant; James Ernest of the town of New Diggings, in the county of Iowa; and J. M. Chandler, of Hazel Green, in the county of Grant, be, and are hereby appointed commissioners to lay out and establish a Territorial road from Boat-yard Hollow, in the county of Grant, to White Oak Springs, in the county of Iowa; and that any law heretofore made which appointed A. L. Gregoire, Green W. Bruce and J. M. Chandler commissioners to lay out said road, is hereby repealed.

At Boat Yard Hollow.

§ 6. John Teetshorn, Moses Rand and Isaac Ferris are hereby substituted for George Esterly, George W. Ellis and Elijah Worthington as commissioners to lay out and establish a Territorial road from Janesville in the county of Rock by Ellis' Mills so as to intersect the Territorial road leading to Milwaukee, via. Prairieville, as authorized by the sixth section of an act entitled "an act to provide for laying out certain territorial roads," approved April 12, 1843.

Who substituted.

At Janesville.

§ 7. *Provided*, That none of the expenses of surveying or marking said roads shall be paid out of the Territorial or county Treasury.

Proviso.
No expense paid out of Treasury.

APPROVED, January 23, 1844.

AN ACT to authorize the erection of a Bridge across Root River.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That Sidney S. Sage and his associates, of the village of Racine, be, and hereby are, authorized to erect and maintain a free bridge across Root River, one end of which shall be in Fourth street, in said village.

§ 2. Said bridge shall be so constructed that all such boats and lighters as have usually navigated said river can pass under it with their customary loads.

§ 3. This act may at any time be repealed.

APPROVED, January 20, 1844.

AN ACT to authorize the collector of the town of Janesville to collect certain taxes, and for other purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin.

§ 1. That the tax levied upon the assessment roll made by the assessors of the town of Janesville for the year 1843, upon that part of township number three north, of range twelve east, which lies west of Rock river, shall be collected by the collector of the said town of Janesville; and the tax assessed and levied for the same year upon the said part of township number three by the town of Center, is hereby declared to be unauthorized by law and void.

§ 2. The act entitled "an act to enable school district number four in the town of Janesville to levy a tax for the purpose of building or purchasing a School House," approved December 27, 1843, shall be so construed as to authorize said tax to be raised if a majority of the legal voters attending the meeting to raise the same shall vote therefor, and that the trustees of said district shall make out and issue their warrant for the collection of said tax in the same manner as is now provided by law for the collection of taxes to build school houses.

APPROVED, January 5, 1844.

AN ACT in relation to the Territorial road from Mineral Point by Whitewater to Milwaukee.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

§ 1. That Adin Burdick and Warner Earl be, and hereby are substituted for Elias Ogden and Alfred L. Castleman as commissioners to lay out the Territorial road from Mineral Point in Iowa county by way of Whitewater in Walworth county to Milwaukee, authorized by

Road from
Mineral Point
to Whitewater

the seventh section of an act entitled "an act to provide for laying out certain Territorial roads," approved April 12, 1843.

APPROVED, January 13, 1844.

AN ACT to authorize the President and Trustees of the village of Southport to raise money, and for other purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That the president and trustees of the village of Southport, be, and they are hereby authorized to levy a ^{To levy special tax.} special tax of any sum not exceeding ten thousand dollars annually, for the purpose of constructing a harbor at the south mouth of Pike creek. Said tax shall be levied on the following property and no other, to wit: all lands and town lots, within the limits of said village of Southport, which are not exempt from taxation by the laws of the United States or of this Territory, not including any improvements made thereon, either in building or otherwise; and the president and trustees of said village of Southport are hereby authorized and directed to appropriate all the sums raised in pursuance of this act to ^{How to be expended.} the construction of a harbor at the south mouth of Pike creek, agreeable to such plan as shall have been approved by an officer of the Topographical Department of the General Government.

§ 2. That if no tax shall be levied in any year for the ^{No tax levied} construction of a harbor, the president and trustees of the village of Southport be, and are hereby authorized to borrow on the credit of said village, in such sums as they ^{May borrow money.} may deem proper, any amount not exceeding ten thousand dollars, to be applied to the construction of a harbor at the south mouth of Pike creek; or if a sum less than ten thousand dollars shall have been levied by a tax for the purpose aforementioned, the president and trustees shall have power to borrow, on the credit of the village, such ^{On credit of village.} sum as they may deem proper, provided the sum so borrowed, added to the amount which may have been levied ^{Shall not exceed \$10,000.} by tax, shall not exceed ten thousand dollars in any one.

year : *Provided*, that no money or other property shall be borrowed on the credit of the village for a term exceeding five years, and on interest exceeding twelve per cent: *Provided*, also, that all taxes levied for the payment of the principal or interest on the sum or sums borrowed for the purposes aforesaid, shall be levied on the same kind of property that the tax for the construction of a harbor is levied.

§ 3. That no tax shall be levied, nor money or other property borrowed under the provisions of this act, unless
 Whoshall vote a majority of the voters possessed of a freehold estate,
 for tax. who shall actually vote upon the question, shall have first in each year determine to raise such tax, or to authorize such loan; and for the purpose of determining whether such tax shall be raised or loan made, (as the case may be) the president and trustees shall order a special election of
 Special elec- the voters, at such time and in such place in said village
 tion how held. as they may deem proper; and such election shall be conducted in the same manner, as other elections in said village are conducted for village purposes: *Provided*, ten days notice shall be given by said president and trustees for holding any such election.

§ 4. The president and trustees shall have power for the purposes contained in this act to pass an ordinance
 Powers of as- prescribing the powers and duties of the assessors of said
 sessor. village as to the time and manner of assessing the lands and lots, and the method of equalizing and perfecting the same.

§ 5. It shall be lawful for the president and trustees of said village, to appoint an agent to attend any sale of
 President may land, made for the purpose of collecting taxes due said
 appoint agent. village, and bid off said lands for the taxes and charges due thereon, in the name of said president and trustees. And the said president and trustees and their successors, shall acquire by such purchase in trust for said village, all the rights which might have been acquired by any other purchaser.

§ 6. That the Marshall or the collector of taxes of the
 Powers of col- village of Southport shall be possessed of the same powers
 lector or mar- and shall proceed in the same manner in the collection of
 shall. taxes as the several Town collectors are now required by law to proceed in the collection of Town and county taxes.

APPROVED, January 20, 1844.

AN ACT to amend the act to incorporate the village of Southport.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin.

§ 1. That the President and trustees of the village of Southport shall have the power to organize fire companies, hook and ladder companies; and to regulate their Government and the times and manner of their exercise; to provide the necessary apparatus for the extinguishment of fires, to require the owners of buildings to provide and keep suitable ladders and fire buckets which are hereby declared to be appurtenances to the real estate and exempt from seizure and distress or sale in any manner and if the owner refuses to procure suitable ladders or fire buckets after reasonable notice, the trustees may procure and deliver the same to him and in default of payment there for may bring an action of debt against said owner and be entitled to recover in such action the value of such ladders or fire buckets or both, with costs of suit; to direct the safe construction of buildings for the deposite of ashes, and severally to enter into or appoint one or more officers to enter into at reasonable times and examine all dwelling houses, lots, yards, enclosures and buildings of every description in order to discover whether any of them are in a dangerous condition and to cause such as may be dangerous to be put into a safe condition, to compel the owners of houses and buildings to have scuttles on the roofs of said houses and buildings; to regulate the manner of putting up stoves and stove pipes to prevent fires and the use of fire works and fire arms within the limits of said village; to compel the inhabitants of said village to aid in the extinguishment of fires and to pull, break down and raze such buildings in the vicinity of fire as shall be directed by the Trustees or any three of them who may be present at a fire for the purpose of preventing its communication to other buildings, and any building so destroyed shall be paid for by the corporation to construct and preserve reservoirs, pumps, wells and other waterworks and to regulate the use thereof and generally to establish such other measures of prudence for the prevention or extinguishment of fires as they shall deem proper. The members of any fire company in such village

May organize fire companies

To keep ladders.

Village may procure ladders, &c.

May sue for value.

Officers may examine buildings.

Scuttles.

Regulate stoves, fire arms, &c.

To pull down buildings.

How paid for.

Members ex- not exceeding twenty-five to each company shall be ex-
 empted from the performance of military duty except in
 cases of invasion or insurrection and shall also be exempted
 from serving as Jurors in Justices Courts.

APPROVED, January 26, 1844.

AN ACT to authorize school district No. one in Dane County to lay an additional tax for building a School House.

§ 1. *Be it enacted by the Council and House of Represent-
 atives of the Territory of Wisconsin.*

That it shall and may be lawful for the trustees of
 school district No. one in the county of Dane to levy an
 additional tax to the Tax now allowed by law not to ex-
 ceed one per cent on the assessment roll of said district
 for the purpose of erecting a school house in said district.

§ 2. The said tax shall be collected and returned in
 the same manner that is now provided by law for the col-
 lection of the tax for building school houses, *Provided*,
 that a majority of the legal voters in said school district
 who may be present at any school meeting of the district
 called by the Trustees of the district whose duty it shall
 be to give not less than ten days notice thereof in one of
 the newspapers printed in Madison stating the object to
 such meeting; shall vote in favor of levying the tax
 authorized by this act.

APPROVED, January 27, 1844.

AN ACT to amend certain acts relative to the counties of Dodge and Washington.

*Be it enacted by the Council and House of Representatives
 of the Territory of Wisconsin :*

§ 1. That so much of the acts approved February 19,
 1841, and April 10, 1843, in relation to the county com-
 missioners' courts of the counties (of the counties) of

Dodge and Washington as prescribes the places where the said commissioners' courts may be holden in said counties be and the same is hereby repealed.

§ 2. That hereafter it shall be lawful for the county commissioners of said counties to hold their sessions where they or a majority of them may deem most expedient for the general interest and convenience of the citizens of their respective counties. Sessions of Commissioners how and where held.

§ 3. It shall be the duty of said commissioners previous to the holding any of their sessions to advertise the same in three of the most public places by posting up written notices in said counties at least twenty days before such sessions setting forth the time and place where the same shall be holden. Notices of, set up.

§ 4. That the official acts of the county commissioners of the county of Washington at any session holden at the county seat of said county prior to the first day of March next shall be as good and valid as if the said session had been held at the place now fixed by law. Acts of Commissioners legalized.

APPROVED, January 20, 1844.

AN ACT to authorize the Register of Deeds of the county of Grant to procure certain records in the office of the Register of Deeds of the county of Iowa.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That the Register of Deeds of the county of Grant is hereby required to procure from the records in the office of the Register of Deeds of the county of Iowa true and exact copies of the records of all deeds, Mortgages and other instruments recorded in the office of the Register of Deeds of the said county of Iowa which relates to or affects lands or real estate situate within the limits of the said county of Grant recorded in the said county of Iowa previous to the organization of the said county of Grant and record the same in a book or books to be procured by him for that purpose. Register may copy deed.

§ 2. That the Register of Deeds of Grant county shall Books how procured.

Certificate by whom made. affix to said records so copied a certificate under oath stating that as such register he procured the said records in pursuance of this act, and that they are true and exact copies of all such original records.

Access to records. § 3. That the register of deeds of the said county of Iowa shall permit the register of deeds of said county of Grant to have access to the records of his office for the purpose of procuring such copies.

Shall have of effect. § 4. The copies of such Record made and certificates as herein provided shall have the same force and effect as the original records.

How paid. § 5. The Register of Deeds of the county of Grant shall be paid from the Treasury of the said county of Grant for performing the duties herein enjoined upon him, and for arranging and preparing an alphabetical index to the records so by him copied, the same compensation to which he is entitled by law for recording deeds and other papers.

Compensation § 6. This act shall take effect from and after its passage.

APPROVED, January 3, 1844.

AN ACT to authorize the Register of Deeds of Green county to procure certain copies of records in the office of the Register of Deeds of Milwaukee and Iowa counties.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

Register of Green county to procure records and record same. § 1. The register of deeds of Green county is hereby required to procure from the records in the office of the register of deeds of Milwaukee and Iowa counties, true and exact copies of the records of all deeds, mortgages, and other instruments recorded in the office of register of deeds of said Milwaukee and Iowa counties, which relate to or affect lands, or real estate situated within the limits of said Green county, and record the same in a Book or Books to be procured by him for that purpose.

Shall affix certificate. § 2. The register of deeds of Green county shall affix to said records, so copied a certificate under oath stating

that as such register he procured the said records in pursuance of this act, and that they are true and exact copies of all such original records.

§ 3. The register of deeds of Milwaukee and Iowa counties, shall each permit the register of deeds of Green county, to have access to the records of his office, for the purpose of procuring such copies. Of Milwaukee county and Iowa shall permit access to records.

§ 4. The copies of such records made and certified as herein provided, shall have the same force and effect as the original record.

§ 5. The register of deeds of Green county, shall be paid from the treasury of said county, for performing the duties herein enjoined upon him, and for arranging and preparing an alphabetical index to the records by him copied, such compensation as the commissioners of said county shall deem just and equitable. How paid for.

APPROVED, January 18, 1844.

AN ACT to change the name of Cordelia Elvira Hood to Cordelia Elvira Burris, and to provide that said Cordelia shall be the (a)dopted child and legal heir of Martin V. Burris.

Whereas, Martin V. Burris of the county of Iowa and Territory of Wisconsin—has by his petition represented to the Legislative assembly, that he desires to adopt Cordelia Elvira Hood, a minor child of John and Matilda Hood; whose father is deceased, as his child, and that she may be authorized by law to inherit his property, and that her name may be changed to Cordelia Elvira Burris—and whereas Matilda Hood the mother and guardian of the said Cordelia, has also by her petition requested, that the name of said Cordelia may be changed as aforesaid, and that she may be authorized by law, to inherit the property of said Martin V. Burris: therefore,

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That the name of Cordelia Elvira Hood a minor child of John Hood and Matilda Hood, whose father is

Name changed.

deceased, be, and hereby is changed to Matilda Elvira Burris, and by that name she shall be hereafter known and designated.

Adopted child and heir.

§ 2. That said Cordelia Elvira by the name of Cordelia Elvira Burris, shall hereafter (be) known and recognized as the lawfully adopted child of the said Martin V. Burris, and as such be capable in law of inheriting and holding the property of the said Martin V. Burris, as fully and competently, and in the same manner as she could or might have done, if she had been the legitimate and natural child of the said Martin V. Burris.

APPROVED, January 27, 1844.

AN ACT for the relief of the county of Calumet.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Supervisors of Brown ascertain school tax to Calumet.

§ 1. That the board of Supervisors of the county of Brown, are hereby required to ascertain the amount of School tax collected by the collector of Calumet county in the year eighteen hundred forty, and paid into the county treasury of Brown County in pursuance of the provisions of the act entitled "an act to organize the counties of Washington and for other purposes," approved August 13th, 1840, and the said board shall appropriate to the County Treasurer of Calumet county, to be paid from the County Treasury of Brown county, a sum of money, equal to the amount of the school tax collected and paid as aforesaid, and interest thereon at the rate of seven per cent per annum from the time the same was received by the treasurer of Brown County, to the time when the same shall be refunded as herein provided.

What sum and interest.

For support of schools.

§ 2. The money thus paid into the Treasury of the county of Calumet shall be appropriated exclusively for the support of common schools in the town of Manchester, in said county, and shall be divided among the several school districts in said town as required by law.

How collected

§ 3. It shall further be the duty of the Supervisors of Brown county to audit such amount and commit the same for collection, at the next annual assessment, and to require such amount to be collected and paid over to the

treasurer of the county of Calumet in the same manner and within the same time required for collecting and paying any other County Taxes.

APPROVED, January 27, 1844.

AN ACT to enable the county of Portage to procure certain records from the county of Brown.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

§ 1. That the register of deeds of Portage county is hereby required to procure from the records in the office of the Register of deeds of Brown county, true and exact copies of the records of all deeds, mortgages and other instruments, recorded in the office of the Register of deeds of said county of Brown, which relate to or affect lands, or real estate situate within the limits of Portage county, and record the same in a book or books, to be provided by him for that purpose.

Register to procure copies of all deeds.

§ 2. The register of deeds of Portage county shall affix to said records so copied, a certificate under oath stating that as such register, he procured said records in pursuance of this act, and that they are true and exact copies of all such original records.

Certificate.

§ 3. That the register of deeds of Brown county shall permit the register of deeds of Portage county, to have access to the records of his office for the purpose of procuring such copies, provided it shall not interfere with the regular discharge of his duties.

Shall have access.

§ 4. The copies of such records made and certified as herein provided, shall have the same force and effect as the original records.

Shall be of full force.

§ 5. The register of Portage county shall be paid from the treasury of said county, for performing the duties herein enjoined upon him, and for arranging and preparing an alphabetical index to the records by him copied, the same compensation to which he is now entitled by law for recording deeds and other papers, and ten cents per mile for all necessary travel.

How paid. Mileage.

APPROVED, January 27, 1844.

AN ACT to enable the county of Winnebago to obtain certain records from the counties of Brown and Fond du Lac.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

Register to
make copies
of records and
record same.

§ 1. The Register of Deeds of the county of Winnebago is hereby authorized and required to procure from the proper records of the counties of Brown and Fond du Lac, true and exact copies of the records of all deeds, mortgages, and other instruments recorded in said counties, which relate to or effect lands or real estate in the said county of Winnebago, and that he record the same in the book or books of said county.

Certificate.

§ 2. The register of deeds of Winnebago county shall affix to the records so copied and recorded, a certificate under oath stating that such records are true and perfect copies of the original records, and when thus certified such copies shall have the same effect as the original record.

Effect as original.

How paid.

§ 3. The register of deeds of Winnebago county shall be paid from the treasury of said county, for the duties herein enjoined upon him, and for arranging and preparing an index to the records by him copied, such compensation as the supervisors of said county shall deem just and equitable.

APPROVED, January 27, 1844.

AN ACT to change the name of the town of Nemahbin in the county of Milwaukee.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

§ 1. That from and after the passage of this act the town of Nemahbin in the county of Milwaukee shall be known and called by the name of Delafield.

APPROVED, January 26, 1844.

AN ACT to incorporate the Burlington Academy, in the village of Burlington.

*Be it enacted by the Council and House of Representatives
of the Territory of Wisconsin.*

§ 1. That Plinny M. Perkins, Origen Perkins, E. G. Dyer and Nelson R. Norton, and their associates, together with such persons as may hereafter be associated with them, for the purpose of sustaining and maintaining an Academy in the town of Burlington, in the county of Racine, be, and they are hereby created a body politic and corporate, with perpetual succession, by the name of the Burlington Academy; and by that name shall be competent to contract and be contracted with, to sue and be sued, to answer and be answered unto, in all courts of law and equity, acquire, hold, possess, and enjoy, and to sell and convey, and dispose of property, both real and personal: *Provided*, that the annual income of such property shall not exceed five thousand dollars.

§ 2. That any three of the above named persons shall have power to call a meeting, by giving ten days notice thereof by posting up notices in three of the most public places in the village of Burlington.

§ 3. That the said corporation shall have power to form a constitution and enact by-laws for its government, to prescribe the number and titles of its officers, and to define their powers and duties, to prescribe the manner in which members may be admitted and diminished, and other powers necessary: *Provided*, that the constitution, by-laws and regulations of the corporation be consistent with the laws of the United States and of this Territory.

APPROVED, January 25, 1844.

AN ACT to incorporate the Madison Academy.

§ 1. *Be it enacted by the Council and House of Representatives of the Territory of Wisconsin.*

That Josiah D. Weston, David Irvin, Simeon Mills, Augustus A. Bird, John Catlin, Alexander L. Col-

lins, William W. Wyman, John Y. Smith and Joseph G. Knapp, and their associates, together with such other persons as may hereafter be associated with them, for the purpose of establishing and sustaining an academy in the town of Madison, in the county of Dane, be, and they are hereby created a body politic and corporate, with perpetual succession, by the name of the Madison Academy, and by that name shall be competent to contract and be contracted with, sue and be sued, to answer and be answered unto, in all courts of law and equity, acquire, hold, possess, and enjoy, and to sell and convey and dispose of property, both real and personal: *Provided*, that the annual income of such property shall not exceed five thousand dollars.

May hold real estate.

Notice to call meetings.

§ 2. That any three of the above named persons shall have power to call meetings, by giving ten days previous notice thereof by advertisement in any newspaper published in the said town of Madison.

To make by-laws.

§ 3. That the said corporation shall have power to form a constitution and enact by-laws for its government, to prescribe the number and title of its officers, and define their powers and duties, to prescribe the manner in which members may be admitted and dismissed, and other powers necessary to the full execution of the powers herein granted: *Provided*, that the constitution, by-laws and regulations of the corporation be consistent with the constitution and laws of the United States, and of this Territory.

Proviso.

APPROVED, January 26, 1844.

AN ACT to authorize school district number one in the town of Lancaster to levy a tax.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That the Trustees of the Lancaster School District number one in the school town of Lancaster in the county of Grant be and they are hereby authorized to levy a tax of any sum in addition to any tax that may have been heretofore levied by said district, not exceed-

To levy a tax.

ing the sum of three hundred dollars : said tax to be lev- \$300 on what
ied upon all the taxable property in said district upon property.
the valuation thereof as assessed by the county assessor How & when
for said county in the assessment roll of said county. for assessed.
the year one thousand eight hundred and forty-three, and
the said tax shall be collected in the same manner as is
provided by law for the collection of school district taxes
in said district.

§ 2. The trustees of said district are hereby directed Trustees duty
and required to appropriate the tax so levied and collect- of.
ed towards building and finishing a school house in and How expend-
for the use of said district, and for no other purpose what- ed.
ever.

§ 3. This act shall take effect from and after its pas-
sage.

APPROVED, January 20, 1844.

AN ACT to authorize the trustees of school
district No. 1, in the town of Rochester, to
collect certain monies and pay over to district
No. 8.

*Be it enacted by the Council and House of Representatives
of the Territory of Wisconsin :*

§ 1. That the trustees of school district No. 1, in the
town of Rochester, are hereby authorized and empow- To issue war-
ered to issue their warrant for the collection of any por- rant.
tion of the delinquent district tax due to school district
No. 8, called Union district, as a part of its interest in
the school house, prior to the division of said district.

§ 2. In the collection of such delinquent tax, the trus-
tees as well as the collector of such district, shall be gov-
erned by the laws in such case made and provided, in the
same manner as if no previous warrant had ever been is-
sued for such purpose ; and the trustees of said school
district No. 1, as soon as such amount shall be collected,
shall pay the same to the trustees of the district to which Shall pay over
it shall of right belong. money.

APPROVED, January 25, 1844.

AN ACT to incorporate the Trustees of the village of Mineral Point.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Boundary of town.	§ 1. That all that district of country included in section thirty-one and the west half of section thirty-two in town five of range three east, and the north half of section six in town four of range three east of the fourth principal meridian, in the county of Iowa in said Territory shall hereafter be known and distinguished by the name of the village of Mineral Point, and the inhabitants residing or who may hereafter reside within said limits are hereby constituted a body corporate by the name, "The Trustees of the village of Mineral Point," and by that name they and their successors forever hereafter, shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being unpleaded, answering and being answered unto, defending and being defended in all courts and places and in all suits whatsoever.
Name of.	
May sue and be sued	
May vote for adoption.	§ 2. It shall be lawful for the inhabitants of said village who are qualified by law to vote to meet at the county building in said village on the third Monday of March next at ten o'clock A. M. and choose viva voce three Judges of Election and one clerk and then and there to elect by ballot one President who shall be ex-officio a trustee, four trustees, one assessor, three constables, one treasurer and one clerk.
Officers how elected.	
Officers elected annually.	§ 3. On the third Monday of March in each year thereafter there shall be an annual election of the officers of said village above specified, and the trustees shall give due notice of the time and place of holding the same and they or any two of them shall preside at the same.
	§ 4. No person shall be eligible to any of said offices unless he is a voter in said village.
Polls when opened.	§ 5. At all elections by the voters of the village held under this act the polls shall be opened at ten o'clock, A. M. and continue open until four o'clock P. M. and the elections shall be conducted in the same manner as far as may be, as the election for delegate to Congress. A plurality of votes shall in all cases decide the election,
Tie vote.	

and in case of a tie vote a new election shall be called by the trustees as soon as may be.

§ 6. In case such officers or any of them shall not be chosen on the day appointed for the same and in case any act or proceeding required by this act to be done or had on any particular day, or within any particular time, shall not be done or had on such day or within such time, the same may be done or had as soon thereafter as may be On any other day. and the corporation shall not thereby be dissolved, but vacancies in the office of President and trustees shall be filled at a special election by the voters of the village, and vacancies in all other offices by appointment by the trustees.

§ 7. All of said officers shall hold their offices until the third Monday of March next after their election, and until others are elected and qualified in their stead. Tenure of office.

§ 8. Every officer elected under this act before he enters upon the duties of his office and within ten days after his election shall take an oath faithfully to discharge the duties of his office which shall be filed in the office of the Clerk of the Corporation and be sufficient evidence of his having accepted said office. To take oath.

§ 9. The Treasurer and Constables before they enter upon the duties of their offices shall severally give bonds to the corporation by its corporate name in such sum and with such sureties as the trustees or a majority of them shall direct conditional for the faithful discharge of their offices respectively. Who shall give bonds.

§ 10. It shall be the duty of the President to preside at all meetings of the trustees, to see that all by-laws and ordinances are duly observed, and to prosecute all suits which may be necessary in the name of the corporation. Duty of President.

§ 11. It shall be the duty of the clerk to keep a record of the doings of the board of trustees, especially of the passing of by-laws, ordinances and regulations, and also a faithful record of all the doings and votes of the inhabitants of said village at their annual and other legal meetings, and to keep on file all papers which may be required by law or ordered by the trustees. The records and files kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office and transcripts from the records of proceedings of the board of trustees certified by him under the corporate seal shall be evidence in all courts of the contents of the same. Duty of Clerk. What shall be evidence.

Duty of Treasurer.	<p>§ 12. The Treasurer of said village shall receive all moneys which may be collected for the use of the Corporation by virtue of this act or by virtue of any by-laws or ordinances of the Corporation, or by virtue of an act of Congress, entitled, "an act for laying off the towns of Fort Madison and Burlington, in the county of Des Moines, and the towns of Bellevien, Dubuque, and Peru, in the county of Dubuque, Territory of Wisconsin, and for other purposes," approved July 2d, 1836, and the act of Congress amendatory of said act, approved March 3d 1837, or which may arise from any other source and belong to the corporation and give to the person paying the same his receipt therefor. All moneys shall be drawn from the Treasury by warrants signed by the President by order of the trustees and countersigned by the Clerk, who shall keep an abstract thereof, which warrant shall set forth for what purpose the amount specified therein is to be paid, and the said Treasurer shall pay out the funds of the corporation in no other way whatever; he shall keep just and accurate accounts of all moneys and other things coming into his hands as Treasurer, in a book provided by the corporation for that purpose, and which shall remain the property of said corporation, wherein he shall note the time when the person from whom the amount of the several sums received, and the source from whence the said sums respectively arose, and in a manner equally accurate and specific; in the same book he shall duly enter an account of all sums paid out, which book shall at all reasonable times be opened to the inspection of the voters of said village; he shall render to the board of trustees a minute account of all his receipts and payments as often as they shall require.</p>
Moneys how drawn.	
How and for what paid out.	
Accounts how kept.	
Books open for inspection.	
Shall render account.	
Constables powers of.	<p>§ 13. The constables elected under this act shall have the same power, rights, duties, liabilities and emoluments as the constables elected in the different precincts of said county of Iowa, and hereafter no constable shall be elected at the Mineral Point precinct for said county, except as is provided in this act.</p>
	<p>§ 14. The trustees shall have the following powers, to wit :</p>
Seal.	<p>I. To have a common Seal and to alter the same at pleasure :</p>
Real estate.	<p>II. To purchase, hold, or convey any real or personal estate for the use of the corporation :</p>

III. To make, open, keep in repair, grade, improve or discontinue streets, avenues, lanes, alleys, sewers and sidewalks, to keep them free from incumbrances and to protect them from injury :

IV. To organize fire companies, and hook and ladder companies, to regulate their government, and the times and manner of their exercise, to provide all necessary apparatus for the extinguishment of fire, to require the owners of buildings to provide and keep suitable ladders and fire buckets which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress or sale in any manner, and if the owner refuses to procure suitable ladders or fire-buckets after reasonable notice, the trustees may procure and deliver the same to him, and in default of payment therefor may bring an action of debt against said owner, and be entitled to recover in such action, the value of such ladders, or firebuckets, or both with costs of suit, to regulate the storage of gunpowder, and other dangerous materials, to direct the safe construction for the deposite of ashes, and severally to enter into, or appoint one or more officers to enter into at reasonable times, and examine all dwelling houses, lots, yards, enclosures and buildings, of every description in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put into a safe condition, to compel the owners of houses and buildings to have scuttles on the roof of said houses and buildings, to regulate the manner of putting up stoves and stovepipes, to prevent the use of fire-works and fire-arms within the limits of said village, to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break and raze such buildings in the vicinity of fires as shall be directed by the trustees or any three of them who may be present at a fire, for the purpose of preventing its communication to other buildings, and any building so destroyed shall be paid for by the corporation, to construct and preserve reservoirs pumps, wells and other water-works, and to regulate the use thereof, and generally to establish such other measures of prudence for the prevention or extinguishment of fires as they shall deem proper :

Fire companies, &c.

Trustees to procure buckets.

Storage of powder.

Examine houses.

Scuttles.

Who shall aid at fires.

Houses to be paid for.

Reservoirs, pumps and wells.

V. To provide hospitals or their asylums for the sick, to appoint a board of health when on their opinion it shall be necessary, who shall possess all necessary pow-

Hospitals.

er to prevent the taking or spreading of any infections, innoxious, contagious or pestilential disease or epidemic within said village, to remove any person who shall be affected with any such disease or epidemic to any such hospital or asylum.

Nuisance. VI. To prevent, abate or remove nuisances.

Cattle. VII. To restrain the running at large of cattle and all other animals, to establish pounds and appoint pound masters and fence viewers, and prescribe their powers and duties.

Fence viewers. VIII. To protect trees and monuments in said village.

Grave yards. IX. To purchase, hold, and own grave yards or cemeteries, and regulate the burial of the dead.

X. To establish and regulate markets, and restrain sales in the streets, to establish and regulate a public scale, and appoint a weigher to attend to the same, to regulate the place and manner of selling hay, and other grass commodities.

Hay. XI. To suppress disorderly, lewd, or gaming houses, and devices for the purpose of gambling.

Gambling. XII. To call regular and special meetings of the voters of said village.

Call meetings. XIII. To prescribe the compensation of all officers of the corporation except their own and they shall receive no compensation or emolument for their services as trustees.

Pay of officers. XIV. To licence and regulate groceries, victualling houses, taverns, shows, public exhibitions and theatrical and other entertainments and also the sale of spirituous or strong liquors within said village and to fix such rates of licences and enact such by-laws on the subject with penalties for the breach thereof as they may deem proper, and to collect such penalties in the manner hereinafter provided: *Provided*, that the Board of County Commissioners of Iowa county may have authority if in their opinion the interests of the county require it to exact a tax to the county from any person who may be licensed by said trustees to keep a tavern or grocery, and so much of any law of the Territory as requires such person to pay a license to the county and conflicts with the provisions of this section is hereby repealed.

County may tax. XV. To tax every male resident of said village above the age of twenty-one years and under the age of fifty years, two days labour annually, or in lieu thereof three

dollars, to be appropriated in improving the streets and roads in said village under the direction of such person or persons as they may appoint, and if any such person shall neglect after being notified or shall refuse to perform such labor or pay said money, the trustees may recover said money in the same manner as is provided in this act for the recovery of fines and forfeitures. How expend. ed.

XVI. To organize school districts in said village, to receive the money coming from the county for the benefit of scholars in said village, and generally to have full control over all public schools in said village, and to take such measures for the benefit of public instruction as they may deem proper. School.

XVIII. To make, ordain, and establish such by-laws, ordinances and regulations not repugnant to the laws of the Territory and to the laws and constitution of the United States for the purpose of carrying into effect the provisions of this act as they may deem proper, but no such ordinance or by-law shall take effect until the same shall have been published three weeks successively, and to repeal or amend the same at pleasure. The said trustees as often as they shall make or publish any by-laws, regulations, or ordinances may ordain and provide such reasonable fines for forfeitures and penalties upon the offenders against any such by-laws, regulations or ordinances as they shall deem proper not exceeding twenty dollars for any one offence, to be prosecuted and recovered before any Justice of the Peace or court having cognizance of the same in the name and to and for the use of the Corporation, and in any such action it shall be lawful to declare generally in debt for such penalty or forfeiture and to give any special matter in evidence, and the defendant may plead the general issue and give any special matter in evidence and after final judgment in such action, execution may be issued thereon as provided by law in other cases. All expenses incurred in prosecuting for the recovery of any penalty or forfeiture shall be defrayed by the corporation; and all penalties and forfeitures when collected shall be paid to the Treasurer for the use of the Corporation, also to remit such fines or penalties or any part thereof. Pass ordinan- ces. Fines. Amount of fine. Before whom. Pleadings. Execution. Costs how paid.

§ 15. The affidavit of the printer of the publication of any by-laws or ordinances, or the affidavit of the clerk of the corporation of the putting up of notices, by-laws By-laws how published.

or ordinances as required by this act shall be sufficient proof in all courts and elsewhere that such by-laws, notices and ordinances were properly published or posted up.

§ 16. Whenever in this act the publication of any by-law or ordinance is required, the same shall be published in a newspaper printed in said village if there be one, for three weeks successively; if there be no newspaper, then the same or copies thereof shall be posted up by the Clerk in four public places in said village, three weeks, which shall be a sufficient publication.

In a newspaper.

Three to be a Board.

§ 17. Any three of said Trustees shall be a Board for the transaction of all business, but no by-law or ordinance shall pass unless three of said trustees concur therein.

Jurors, Justices, &c.

§ 18. No person shall be an incompetent Judge, Justice, witness, or juror, by reason of his being an inhabitant of, or owner of taxable property in said village, in any action or proceeding in which said corporation is a party or interested.

Statement of finance.

§ 19. It shall be the duty of the trustees before the annual election to publish a full and correct statement in detail of the receipts and expenditures by said trustees, for said village during the preceding year.

What subject to taxation.

§ 20. All property, real and personal, and all mineral lots, except property belonging to the county of Iowa, to any school district or to any religious society and property which is by law exempt from sale on execution within the limits of the village shall be subject to taxation. Personal property shall be construed to include all goods, chattels, moneys and effects and all stock paid into any corporation.

Rate of tax.

§ 21. The trustees shall have power to levy and collect annually a tax on all property subject to taxation in said village not exceeding the rate of one dollar on every one hundred dollars of the assessment valuation thereof.

Assessment to be made.

§ 22. It shall be the duty of the assessor during the months of March and April, 1844, and annually thereafter during the months of January and February to make an assessment roll in which they shall set down the names of all the taxable inhabitants of said village, and the names, so far as they can be ascertained, of non residents who shall own real estate therein, and the discription, quantity and value of all the property subject to taxation in said

village, and when said roll shall have been completed, it shall be certified to by at least two of the assessors as a true assessment roll of all the property subject to taxation in the said village, and immediately deposited with the Clerk of said village.

§ 23. It shall be the duty of the Clerk annually upon receiving the assessment roll as aforesaid, to lay the same before the trustees for their correction and consideration relative to the rate per centum of tax to be levied for the current year, and when the said trustees shall have determined the rate per centum to be taxed on the assessed value of property as contained in the assessment roll as aforesaid, it shall be the duty of the Clerk in the month of May, 1844, and thereafter annually in the month of March, to make out, in accordance with this determination, a schedule of all the property, as contained in said assessment roll, together with the names of the owners thereof when known, annexing to each lot or other kind of property the amount of tax which shall be chargeable on the same, agreeably to the assessment as returned, and the rate per centum of taxation as fixed by the trustees, which schedule shall be called the tax list, and shall be recorded in a book to be by him kept for that purpose, and said tax list, or the record thereof, shall either of them be conclusive evidence of the amount of corporation taxes assessed for the current year in which the same shall be made out and dated.

Duty of clerk.
Schedule of property.
Rate.
Recorded.

§ 24. It shall be the duty of the clerk to complete the tax list as aforesaid, and deliver the same to the treasurer in the month of May in the year 1844 and thereafter annually in the month of March and make a record of such delivery in the book where said list shall be recorded, which record shall be conclusive evidence of such delivery, and the tax assessed on real estate shall be a lien on the same from the first day of June, A. D. 1844, and thereafter annually from the first day of April, until the tax shall be paid, together with all penalties and costs which may accrue thereon agreeably to the provisions of this act.

Deliver to Treasurer.
To be lien on.

§ 25. Upon the receipt of the tax list as aforesaid and during the month of June, A. D. 1844, and thereafter annually during the month of April, it shall be the duty of the treasurer to give public notice in a newspaper printed in said village or by posting up notices in three

Notices.

Tax when to be paid. public places in said village, that such tax list has been committed to him for the purpose of collecting the tax thereon, and that he will receive payment for taxes at his office until the last day of August then ensuing, subject to a deduction of five per centum if paid before the said last day of August.

May sell. § 26. If the taxes are not paid to the Treasurer on or before the said last day of June, 1844, and thereafter annually during the month of August, he may proceed to collect the same by distress and sale of the goods and chattels of the person charged, giving six days notice of the time and place of such sale by written notices set up in three public places in said village.

Town lots and lands. § 27. In case the tax on any lot or other piece of land shall remain unpaid on the said last day of August, and there are no goods and chattels of the person charged therewith to be found in the village, it shall be the duty of the treasurer to make out a general advertisement, stating that all lots and other pieces of land upon which the taxes have not been paid will be sold by him at a certain time and place to be therein mentioned for the purpose of paying the taxes which may be assessed thereon, together with all costs and other liabilities which shall accrue by advertisement and sale, agreeably to the provisions of this act. Said advertisement shall be published four successive weeks, commencing in the month of September in a newspaper printed in said village if there be one, and if not, then by posting up in three public places in said village: *Provided*, that in case of assessment of taxes in gross upon any tract or lot of land, the treasurer, upon the application of any claimant or owner of a part thereof, either divided or undivided shall receive a part of the taxes, interest and charges due thereon, proportionate to the quantity of such lot or tract so owned or claimed and the balance of such taxes, interest, and charges shall be a lien only on the remainder of such lot or tract of land.

Four weeks notice.

Shall receive a part.

Sale when. § 28. The time fixed by the said treasurer for the sale of lots or other pieces of land for taxes shall be at the same time which he may designate within the month of November next ensuing the publication of the advertisement thereof, and on the day mentioned in the said notice, the treasurer shall commence the sale of the said lots and lands and continue the same from day to day un-

til so much thereof shall be sold as will pay the taxes,
 interest and charges due, assessed and charged thereon,
 agreeably to this act, and the treasurer shall give to the
 purchaser or purchasers of any such lots or lands a cer- Purchaser to
have certi-
ficate.
 tificate describing the lots, or lands purchased, stating the
 sum paid therefor, including fees, and the time when the
 the purchaser will be entitled to a deed for the said lots Deed when
and how given
 or lands; and if the person claiming the title to said lots
 or lands described in said certificate shall not within two
 years from the date thereof pay to the treasurer for the
 use of the purchaser, his heirs or assigns the sum mention-
 ed in such certificate, together with the interest thereon
 at the rate of thirty per centum per annum from the date Thirty per
cent.
 of such certificate, the treasurer shall at the expiration of
 the said two years, execute to the purchaser, his heirs or
 assigns a conveyance of the lots or lands so sold: which
 conveyance shall vest in the person or persons to whom it
 shall be given an absolute estate in fee simple, and the
 said conveyance shall be conclusive evidence that the
 sale was regular according to the provisions of this act, Conveyance
how executed.
 and every such conveyance to be executed by the treas-
 urer under his hand and in the name and on the behalf
 of the village of Mineral Point, and the execution thereof
 witnessed and acknowledged as by law as in other cases
 provided, may be given in evidence and recorded in the
 same manner and with like effect, as a deed regularly
 acknowledged by the grantor may be given in evidence
 and recorded.

§ 29. In the month of July of each year the treasurer
 shall publish in the manner mentioned in the last section
 an advertisement stating each lot and tract of land which
 will be forfeited in the ensuing November (stating the day Forfeiture
how published
 thereof) if the taxes and charges upon the same are not
 paid before that day, together with the amount of such
 tax and charges.

§ 30. That all lots or lands the taxes on which shall not
 be paid before the last day of August as aforesaid and which
 shall be advertised for sale for non-payment of taxes, shall
 be subject to a charge of three cents for each lot or piece Fees for ad-
vertising.
 of land so advertised for the first advertisement, and for
 each lot or piece of land which shall be sold as aforesaid
 it shall be lawful for the treasurer to demand and receive
 the following fees: For each certificate to be given to a For certificate
 purchaser at such sale of any lot or piece, twelve and a

half cents ; for certifying the sum necessary to redeem any lot or piece of land held for taxes, twelve and a half cents ; and one dollar for each conveyance executed by him in pursuance of this act ; the said fees to be paid by the person receiving such instrument of writing : the charge for the second advertisement shall be ten cents for each lot or piece of land.

Redemption how paid. § 31. That if any person who shall purchase any lot or piece of land in pursuance of this act, shall pay any tax returned subsequent to such purchase, on such lot or piece of land, the person who shall redeem such lot or piece of land, shall pay the amount of such tax with interest at the rate of twenty-five per centum per annum for the benefit of such purchaser.

Streets how opened. § 32. The board of trustees shall cause to be summoned six freeholders, inhabitants of said village not directly interested, who being first duly sworn for that purpose shall enquire into and take into consideration the benefit and advantages that may accrue and estimate and assess the damages that would be sustained by the reason of the opening, extension, or widening of any street, avenue, lane, or alley, and shall moreover estimate the amount which other persons shall be affected thereby, all of which shall be returned to the trustees under their hands and seals, whereupon the trustees shall levy and assess a special tax on the persons so benefitted and the residue of such damages, if any, shall be paid out of the village treasury, and no street, avenue, lane, or alley shall be opened, extended, or widened, until the damages thus assessed shall be paid to the person entitled thereto.

Tax for opening of.

Damage assessed.

This act how voted for. § 33. On the first Monday of March next the legal voters residing within the limits of said village as defined by this act shall meet at the county building aforesaid, and choose three Judges of election, and one clerk, and shall then proceed to vote by ballot in favor of or against this act, and each voter shall have written or printed on his ballot the word "Aye" or the word "Noe" and the same shall be deposited in a box prepared for that purpose ; the poll shall be opened at ten o'clock A. M. and closed at four o'clock P. M. of said day, and if after the votes shall be counted, there shall be a majority of "Ayes" this act shall be in full force and effect from and after the second Monday in the month of March next ; and the judges and clerk of the election shall make out and sign a statement

Election how conducted.

of the result of such election and publish the same in the Result.
 newspaper printed in said village ; the clerk of said elec-
 tion shall preserve the poll book and certificate of pro- Poll book.
 ceedings of said election and if said act is approved of by
 a majority he shall deliver the same to the clerk of the
 corporation when he shall be elected and said certificate
 shall be sufficient and conclusive evidence that this act
 has been adopted by a majority of the voters in accordance By majority of
 with the provisions of this section. If there shall be a voters.
 majority of "Noes" this act shall be null and void.

§ 34. This act shall be considered a public act and may When to take
 be altered, amended or repealed by any future legislature, effect.
 and shall take effect from and after its passage.

APPROVED, January 11, 1844.

AN ACT to amend an act entitled "An act to
 incorporate the Trustees of the village of Min-
 eral Point," approved January 11th, 1844.

*Be it enacted by the Council and House of Representatives
 of the Territory of Wisconsin :*

§ 1. That the assessment roll required by the 22nd To amend.
 section of the act of which this is amendatory to, be made
 by the assessors, and to be certified by at least two of
 them, shall be made out by the one assessor required by One assessor
 said act to be elected and shall be certified by him in- only certify.
 stead of being made out and certified as required by the
 said 22nd section.

APPROVED, January 20, 1844.

AN ACT to authorize James Campbell and
 Thomas Stewart to build and maintain a dam
 on the Sugar River.

*Be it enacted by the Council and House of Representatives
 of the Territory of Wisconsin :*

§ 1. That James Campbell and Thomas Stewart, their
 successors and assigns, be, and they are hereby author-
 ized to build and maintain a dam across the Sugar River,

upon section No. twenty-eight, of town three north, range nine east, in the county of Green, to erect mills or in any other manner to make use of the water for the purpose of propelling machinery: *Provided*, that the lands on which said dam and its appurtenances may be constructed shall be owned by the said James Campbell, Thomas Stewart, or their associates.

§ 2. The said dam shall be subject to all the provisions of the act entitled "An act in relation to mills and mill dams," approved 13th January, 1840.

§ 3. The Legislature may at any time amend, alter or repeal this act.

APPROVED, January 27, 1844.

AN ACT to amend an act entitled "An act to repeal an act entitled an act to incorporate the Stockholders of the Bank of Mineral Point," approved February 18, 1842.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That the act of which this is amendatory shall be construed so far as to permit the person or persons who are or may be intrusted with the assets of the Bank of Mineral Point or the collection thereof to bring and maintain suits in favor of said Bank by its corporate name until the affairs of said Bank shall be finally closed.

APPROVED, January 23, 1844.

AN ACT to annex certain lands to the town of Geneva.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That five acres of land in a square form in the south west corner of the north west quarter of section thirty-one in township number two north of range eighteen east is hereby annexed to, and shall constitute a part of the town of Geneva in Walworth county.

APPROVED, January 26, 1844.

AN ACT to incorporate the village of Geneva.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

§ 1. That all that district of country included in fractional section number thirty-six, in township number two, north of range number seventeen, east of the fourth principal meridian, and also five acres of land in a square form in the southwest corner of the north west quarter of section thirty-one in township two north of range eighteen east, in the county of Walworth, shall be hereafter known and distinguished by the name of the village of Geneva, and the inhabitants residing, or who may hereafter reside within said limits, are hereby constituted a body corporate by the name of "The Trustees of the village of Geneva," and by that name they, and their successors forever, hereafter shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all suits whatsoever.

Boundary.
Name.
To sue and be sued.

§ 2. It shall be lawful for the inhabitants of said village qualified to vote, to meet at the Inn of Manning and Thompson, in said village, on the first Monday of April next, at 10 o'clock, A. M. choose viva voce, two Judges of election, and one clerk who together shall form the election board; and elect by ballot one President, who shall be ex-officio a trustee, four trustees, three assessors, two constables, one treasurer, and one clerk.

1st election.

§ 3. On the first Monday of April, in each year thereafter, there shall be an annual election of the officers of said village above specified, and the trustees shall give due notice of the time and place of holding the same, and they or any two of them shall preside at the same.

Annual election.

§ 4. No person shall be eligible to any of said offices unless he is a voter in said village, and no person shall be eligible to the office of trustee, unless he is also a freeholder in said village.

Must be freeholder.

§ 5. At all elections by the voters of the village, held under this act, the polls shall be opened at ten o'clock, A. M. and continue open until four o'clock, P. M. and the elections shall be conducted in a similar manner as far as may be to the election for delegate to Congress.

Polls of election.

A plurality of votes shall in all cases decide the election.

**Special Eleo-
tions.** § 6. In case such officers or any of them shall not be chosen on the day herein appointed for the same, the corporation shall not thereby be dissolved, but vacancies in the office of President and trustees shall be filled at a special election by the voters of the village, and vacancies in all other offices by appointment by the trustees.

Tenure. § 7. All of said officers shall hold their offices until the first Monday of April next after their election, and until others are elected and qualified in their stead.

Oaths. § 8. Every officer elected under this act before he enters upon the duties of his office and within ten days after his election shall take an oath faithfully to discharge the duties of his office, and support the Constitution of the United States, and the laws of this Territory.

Bonds. § 9. The Treasurer and Constables before they enter upon the duties of their office, shall severally give bonds to the Trustees, in such sum with such conditions, and with such sureties as said trustees or a majority of them shall direct.

**Presidents du-
ty.** § 10. It shall be the duty of the President to preside at all meetings of the trustees, to see that all by-laws and ordinances are duly observed, and to prosecute all suits which may be necessary in the name of the corporation.

Clerk's duty. § 11. It shall be the duty of the clerk to keep a record of the doings of the board of trustees, especially of the passing of by-laws, ordinances and regulations, and also a faithful record of all the doings and votes of the inhabitants of said village at their annual and other legal meetings, and to keep on file all papers which may be ordered by the trustees. The records kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the records of proceedings of the board of trustees certified by him under the corporate seal shall be evidence in all courts of the contents of the same.

Moneys. § 12. The Treasurer of the said village shall receive all moneys which may be collected for the use of the Corporation by virtue of this act or by virtue of any by-law or ordinance of the Corporation, or which may arise from any other source and belong to the corporation and give to the person paying the same his receipt therefor. All moneys shall be drawn from the Treasury by warrants signed by the President by order of the trustees and coun-

tersigned by the Clerk, who shall keep a copy thereof, which warrant shall set forth for what purpose the amount specified therein is to be paid. And the said Treasurer shall pay out the funds of the said corporation in no other way, whatsoever; he shall keep just and accurate accounts of all ^{Keep accounts} moneys and other things coming into his hands as Treasurer, in a book to be provided by the corporation for that purpose, which shall remain the property of said corporation wherein he shall note the time when the persons from whom the amount of the several sums received, and the source from whence the said sums respectively arose, and in a manner equally accurate and specific, in the same book he shall duly enter an account of all sums paid out, which book shall at all reasonable times be open to the inspection of the voters of said village. He shall as often as they shall require, render to the board of trustees a minute account of all his receipts and payments.

§ 13. The constables elected under this act shall have the same powers as constables elected in towns.

§ 14. The trustees shall have the following powers, to ^{Constables.} wit:

I. To have a common Seal and to alter the same at ^{Trustees to have seal.} pleasure:

II. To purchase, hold, or convey any estate, real or ^{Real estate.} personal for the use of the corporation:

III. To make, open, keep in repair, grade, improve ^{Streets, Alleys &c.} or discontinue streets, avenues, lanes, alleys, sewers bridges and sidewalks, to keep them free from incumbrances and to protect them from injury:

IV. To organize fire companies, and hook and ladder ^{Fire companies.} companies, to regulate their government, and the times and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to require the owners of buildings to provide and keep suitable ladders and fire ^{Ladders, buckets.} buckets which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress or sale in any manner, and if the owner refuses to procure suitable ladders or fire-buckets after reasonable notice, the trustees may procure and deliver the same to him, and in default of payment therefor may bring an action of debt against said owner, and be entitled to recover in such action, the value of such ladders, or fire buckets, or both with costs of suit, to regulate the storage of gun- ^{Gun powder.} powder, and other dangerous materials, to direct the safe

- Examine buildings.** construction of buildings for the deposit of ashes, and severally to enter into, or appoint one or more officers to enter into at all reasonable times, and examine all dwelling houses, lots, yards, enclosures and buildings, of every description in order to discover whether any of them are in a dangerous condition; and to cause such as may be dangerous to be put into a safe condition, to compel the owners of houses and buildings to have scuttles on the roofs of said houses and buildings, to regulate the manner of putting up stoves and stovepipes, to prevent fires, and the use of fire-works and fire-arms within the limits of the said village, to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down and raze such buildings in the vicinity of fire as shall be directed by the trustees or any three of them who may be present at a fire, for the purpose of preventing its communication to other buildings, and any building so destroyed shall be paid for by the corporation, to construct and preserve reservoirs, pumps, wells and other water-works, and to regulate the use thereof, and generally to establish such other measures of prudence for the prevention or extinguishment of fires as they shall deem proper:
- Stove pipes.**
- Pull down building.**
- Nuisance.** V. To clear out and remove vegetable matter and nuisances from the races, outlets and other waters in said village, and prevent their accumulation in said waters and generally to take such other measures for the public health as they shall deem proper:
- Animals.** VI. To prevent, remove or abate nuisances:
- VII. To restrain the running at large of cattle and all other animals, to establish pounds and appoint pound masters and fence viewers, and prescribe their powers and duties:
- Trees, &c.** VIII. To protect trees and monuments in said village:
- Burial ground.** IX. To purchase, hold, inclose, lay out, ornament and regulate a burial ground in said village, and to sell lots therein and regulate the burial of the dead:
- Markets.** X. To establish and regulate markets and restrain sales in the streets, to establish and regulate a public scale and appoint a weigher to attend the same, to regulate the place and manner of selling hay and other grass commodities:
- Gambling.** XI. To suppress disorderly and gaming houses and devices for the purpose of gambling:

XII. To call regular and special meetings of the voters of said village:

XIII. To prescribe the compensation of all officers of the Corporation except their own:

XIV. To tax every male resident of said village above Poll tax. the age of twenty-one years, and under the age of fifty-five years, two days labor, or in lieu thereof two dollars to be appropriated in improving the roads and streets of said village, under the direction of such persons as they may appoint.

XV. Upon the application of the owners of two thirds of the lots on any street or on one side of any block, to levy and collect a special tax on the owners of the lots on such street or part of street according to their respective parts for the purpose of making a cross walk or a side Side-walks. walk along the same.

XVI. To organize school districts in said village, to Schools. receive the money coming from the town or county for the benefit of the scholars in said village, and generally to have full control over all public schools in said village and to take such measures for the benefit of public instruction as they may deem proper.

XVII. To make, pass, ordain and establish such by- By-laws and Ordinance. laws, ordinances and regulations not repugnant to the laws of this Territory, or to the laws and constitution of the United States, for the purpose of carrying into effect the provisions of this act, as they may deem proper, but no such ordinance or by-law shall take effect until the same shall have been published three weeks successively and to repeal or amend the same at pleasure.

§ 15. The said trustees, as often as they shall make or publish any by-laws, regulations or ordinances, may ordain and provide such reasonable fines, forfeitures and penalties upon the offenders against any such by-laws, regulations or ordinances, as they shall deem proper, not exceeding twenty dollars for any one offence, to be prosecuted and recovered before any Justice of the Peace or court having cognizance of the same, in the name of the corporation, to and for the use of the corporation, and in any such action it shall be lawful to declare generally in debt for such penalty or forfeiture and to give the special matter in evidence, and the defendant may plead the general issue and give the special matter in evidence. All Fines how collected. expenses incurred in prosecuting for the recovery of any Pleadings.

penalty or forfeiture, shall be defrayed by the corporation, and all penalties and forfeitures, when collected shall be paid to the Treasurer for the use of the village, also to remit such fines or penalties or any part thereof.

Proof of notice. § 16. The affidavit of the printer of the publication of any by-laws or ordinances, or the affidavit or oath of the Clerk of the corporation of the putting up notices, by-laws, or ordinances as required by this act shall be sufficient proof in all courts and elsewhere that such by-laws, notices and ordinances were properly published or posted up.

Ordinance how published § 17. Whenever by this act the publication of any by-law or ordinance is required, the same shall be published in a newspaper printed in said village, if there be one, for three weeks successively; if there be no newspaper, then the same or copies thereof shall be posted up by the clerk in three public places in said village three weeks, which shall be sufficient publication.

Quorum. § 18. Any three of said trustees shall be a quorum for the transaction of all business, but no by-law or ordinance shall pass unless three of said trustees concur therein.

Competency. § 19. No person shall be an incompetent Judge, Justice, witness or juror, by reason of his being an inhabitant or freeholder in the said village, in any action or proceeding in which said village is a party or interested.

Who exempt. § 20. Every inhabitant of said village belonging to any fire company, or hook and ladder company therein, shall be exempt from serving on Juries, and from doing military duty except in case of war, invasion or insurrection.

Finance. § 21. It shall be the duty of the trustees, before the annual election, to publish a full and correct statement in detail, of the receipts and expenditures by said trustees for said village, during the past year.

Not taxable. § 22. The following property shall not be taxed by virtue of any law or ordinance adopted by the authority of said village of Geneva, namely: the property of the United States, of this territory, of Walworth county, of said village, and of all incorporated literary, benevolent, charitable and scientific institutions, every public library, school house, and house for public worship, every academy or other seminary of learning, and the lots on which any of such buildings are situated, and all property which is by law exempt from sale on executions.

§ 23. All property, real and personal, within the limits

of the village, not exempted as above, shall be subject to Taxable prop-
 erty. taxation. Personal property shall be construed to include
 all goods, chattels, moneys and effects, all stocks in any
 nonexempted corporation, and debts due from solvent debtors.
 over and above the amount of debts owed by the owner of
 personal property as above specified.

§ 24. The trustees shall have power to levy and col-
 lect annually a tax on all property subject to taxation in
 said village, not exceeding the rate of one dollar on every Rate of tax.
 one hundred dollars of the assessment valuation thereof.

§ 25. It shall be the duty of the assessors during the
 month of January and February of each year, to make
 out an assessment roll, in which they shall set down the Tax roll how
 names of all the taxable inhabitants of said village, and made out.
 the names, so far as they can be ascertained, of non resi-
 dents who shall own real estate therein, and the descrip-
 tion, quantity and value of all the property subject to
 taxation in said village, and then to give one weeks no-
 tice of the time and place at which they will meet to
 equalize and correct said assessment roll, and when said
 assessment roll shall have been completed, it shall be
 certified by at least two of the assessors as a true assess-
 ment roll of all the property subject to taxation in said
 village, and immediately deposited with the clerk of the
 said village.

§ 26. It shall be the duty of the Clerk annually upon
 receiving the assessment roll as aforesaid, to lay the same
 before the trustees for their consideration, relative to the Rate per cent.
 rate per centum of tax to be levied for the current year,
 and when the said trustees shall have determined the rate
 per centum to be taxed, on the assessed value of prop-
 erty, as contained in the assessment roll as aforesaid,
 it shall be the duty of the clerk, in the month of March, to
 make out, in accordance with such determination, a
 schedule of all the property as contained in said assess-
 ment roll together with the names of the owners thereof
 when known annexing to each lot or other kind of prop-
 erty the amount of tax which shall be chargeable on the Tax list.
 same agreeably to the assessment as returned, and the rate
 per centum of taxation as fixed by the trustees, which
 schedule shall be called the tax list, and shall be recorded in
 a book to be by him kept for that purpose. And said tax
 list or the record thereof, shall either of them be conclu-
 sive evidence of the amount of corporation taxes assessed Recorded.

for the current year, in which the same shall be made out and dated.

Clerk to deliver tax list. § 27. It shall be the duty of the clerk to complete the tax list as aforesaid, and deliver the same to the Treasurer in the month of March, and make a record of such delivery in the book where such list shall be recorded, which record shall be conclusive evidence of such delivery, and the tax assessed on real estate, shall be a lien on the same from the first day of April next after the assessment of any tax, until such tax shall be paid, together with all penalties and costs which may accrue thereon, agreeably to the provisions of this act.

Tax how collected. § 28. Upon the receipt of the tax list as aforesaid and during the month of April it shall be the duty of the treasurer to give public notice in a newspaper printed in said village if there is one, and if none, then by posting up notices in three public places in said village, that such tax list has been committed to him for the purpose of collecting the tax thereon, and that he will receive payment for taxes at his office until the last day of August then ensuing, subject to a deduction of five per centum if paid before the said last day of August.

May sell. § 29. If the taxes are not paid to the treasurer on or before the said last day of August, he may proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving six days notice of the time and place of such sale, by written notices set up in three public places in said village.

Delinquent on lots. § 30. In case the tax on any lot or other piece of land shall remain unpaid on the said last day of August, and there are no goods or chattels of the person charged therewith to be found in said village, it shall be the duty of the Treasurer to make out a general advertisement stating that all lots and other pieces of land upon which the taxes have not been paid, will be sold by him at a certain time and place to be therein mentioned, for the purpose of paying the taxes which may be assessed thereon together with all costs and other liabilities which shall accrue by advertisement and sale agreeably to the provisions of this act. Said advertisement shall be published four successive weeks, commencing in the month of September, in a newspaper printed in said village, if there be one, and if not, then, by posting up in three public places in said village: *Provided*, that in case of assessment of

How and when sold for.

taxes in gross upon any tract or lot of land, the treasurer, upon the application of any claimant or owner of a part thereof, either divided or undivided, shall receive a part of the taxes, interest and charges due thereon, proportionate to the quantity of such lot or tract, so owned or claimed, and the balance of such taxes, interest and charges, shall be a lien only on the remainder of such lot or tract of land. Part tax lien.

§ 31. The time fixed by the said treasurer for the sale of lots or other pieces of land for taxes, shall be at some time which he may designate within the month of December, next ensuing the publication of the advertisement thereof. And on the day mentioned in the said notice, the treasurer shall commence the sale of the said lots and lands, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes, interest, and charges due, assessed and charged thereon, agreeably to this act. And the treasurer shall give to the purchaser or purchasers of any such lots or lands a certificate describing the lots or lands purchased, stating the sum paid therefor, including fees, and the time when the purchaser will be entitled to a deed for the said lots or lands, and if the person claiming the title to said lots or lands described in said certificate, shall not within two years from the date thereof, pay to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon at the rate of twenty per cent, per annum, from the date of such certificate, the treasurer shall at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lots or lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple. And the said conveyance shall be conclusive evidence that the sale was regular according to the provisions of this act. And every such conveyance executed by the treasurer, under his hand and seal, in the name and on the behalf of the village of Geneva, and the execution thereof, witnessed and acknowledged as by law in other cases provided, may be given in evidence and recorded in the same manner and with the like effect as a deed regularly acknowledged by the Grantor, may be given in evidence and recorded. Sale of lots and land.
Redemption.
Interest.
Shall convey by deed.
Shall be evidence.

§ 32. It shall be lawful for the trustees of said village

Agent to buy lots. to appoint an agent to attend any sale of lands, made for the purpose of collecting taxes due said village, and bid off said lands for the taxes and charges due thereon, in the name of said trustees, and the said trustees and their successors shall acquire by such purchase in trust for said village, all the rights which might have been acquired by any other purchaser.

Forfeited land and lots. § 33. In the month of July of each year, the treasurer shall publish in the manner mentioned in the 31st section of this act, an advertisement stating each lot and tract of land which will be forfeited in the ensuing December, (stating the day thereof,) if the taxes and charges upon the same are not paid before that day, together with the amount of such taxes and charges.

Charge for advertising. § 34. All lots or lands, the taxes on which shall not be paid before the last day of August, as aforesaid, and which shall be advertised for sale for non-payment of taxes, shall be subject to a charge of three cents for each lot or piece of land so advertised, for the first advertisement, and for each lot or piece of land which shall be sold as aforesaid, it shall be lawful for the treasurer to demand and receive the following fees. For each certificate to be given to a purchaser at such sale, of any lot or piece, twelve and a half cents; for certifying the sum necessary to redeem any lot or piece of land held for taxes, twelve and a half cents, and one dollar for each conveyance executed by him, in pursuance of this act. The said fees to be paid by the person receiving such instrument of writing. The charge for the second advertisement shall be ten cents for each lot or piece of land.

Pay for deed. § 35. If any person who shall purchase any lot or piece of land in pursuance of this act, shall pay any tax returned subsequent to such purchase, on such lot or piece of land, the person who shall redeem such lot or piece of land shall pay the amount of such tax with interest at the rate of twenty per centum per annum, for the benefit of such purchaser.

Tax and interest on redeeming lot. § 36. Whenever the trustees shall desire to lay out, open, widen, extend or discontinue any street, avenue, lane or alley, they shall cause to be summoned six inhabitants of said village, who are freeholders of property therein, not directly interested, who being first duly sworn for that purpose, shall enquire into, and take into consideration, the benefit and advantages that may ac-

Alter or vacate street how done.

crue, and estimate and assess the damages that would be sustained thereby, and shall moreover estimate the amounts which individuals will be directly benefitted thereby : all of which shall be returned to the trustees under their hands and seals : whereupon the trustees shall levy and assess a special tax on the persons so benefitted, which tax shall be a lien on the property benefitted, until paid : and the trustees shall have power to issue their warrant to any individual commanding him to collect such tax by a distress upon and sale of personal property, and such individual shall have the same power that the treasurer has in collecting the general tax out of personal property, and in default of personal property such individual may sell the property benefitted absolutely without redemption, first giving three months notice of the time and place of such sale, in the same manner that notice of other sales are herein required to be given.

Tax by distress.

§ 37. The trustees shall have the sole right of licensing and regulating groceries, victualling houses, taverns, shows, public exhibitions and theatrical or other entertainments, and also the sale of strong and spirituous liquors within said village, and shall have power to fix such rates of licenses and enact such by-laws on the subject, with penalties for the breach thereof, as they may deem proper, and to collect such penalties in the same manner provided for collecting other penalties by this act: *Provided*, That any person licensed shall be required to pay such additional tax for license as may be prescribed by any law for the collection of county revenue, or providing for the granting of licenses, and the Board of county supervisors of the county of Walworth shall have authority to collect such additional tax for the use of the county.

License how granted.

§ 38. In order to raise a tax in said village for the year 1844, the assessors shall, during the months of April and May of that year, make out an assessment roll, the per centum whereon shall be fixed by the Trustees, and the clerk shall make out and record the schedule or tax list, and deliver the same to the Treasurer in the month of June of that year, whereupon the Treasurer shall in that month proceed to give public notice as required in the twenty-eighth section of this act. And all proceedings in relation to taxes to be collected for the year 1844,

Tax for 1844 how raised.

shall be agreeable to the provisions of this act, for the collection of taxes in other years.

Who shall
vote.

§ 39. All persons entitled to vote at general elections, and who shall have resided in said village six months immediately previous to any election therein, shall be entitled to vote at any village election or meeting, authorized by this act.

§ 40. This act shall be considered a public act and may be altered, amended or repealed by any future legislature.

APPROVED, January 27, 1844.

AN ACT to amend an act to incorporate the trustees of the Prairieville Academy.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin.

Trustees how
many.

§ 1. That the corporate affairs of said Academy shall hereafter be managed by seven trustees, a majority of whom shall constitute a quorum for the transaction of business.

1st election
when held.

§ 2. The first election for trustees under this act shall be on the first Monday of March next, in the manner and for the term prescribed in the act to which this is amendatory.

APPROVED, January 27, 1844.

AN ACT to change the name of Cyrus Manchester Hussey Burgess, to Cyrus Manchester Hussey Lay.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

§ 1. That Cyrus Manchester Hussey Burgess of the town of Southport in the county of Racine and Territory aforesaid shall hereafter be known and recognized by the name of Cyrus Manchester Hussey Lay.

APPROVED, January 27, 1844.

AN ACT to authorize the President and Trustees of the village of Southport to discontinue a street.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

That the president and trustees of the village of Southport be, and they are hereby authorized and empowered to take up and discontinue that portion of Exchange street in said village, which runs in a diagonal line from the south-east corner of block number forty-three, and the north-west corner of block number forty-five, to the east line of Main street, in the South Ward of the said village of Southport. To vacate the street.

APPROVED, January 11, 1844.

AN ACT to authorize Jared Lake to build and maintain a wharf in Lake Michigan, at the village of Southport.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin, as follows, to wit :

§ 1. That Jared Lake, and such persons as may be associated with him for that purpose, be, and they are hereby authorized to erect a wharf, at the foot of Pearl street, in the village of Southport, and to extend the same a suitable distance into Lake Michigan.

§ 2. The occupancy of that part of Pearl street that lays east of Lake street, is hereby granted to said Lake, and his associates, for the use of said wharf, while the same shall be kept up for such purpose.

§ 3. This act may be altered or repealed at any time by the Legislature.

APPROVED, January 25, 1844.

AN ACT for the relief of the town of Sharon, in Walworth county.

*Be it enacted by the Council and House of Representatives
of the Territory of Wisconsin :*

Act legalized. § 1. That the acts of the several officers of the town of Sharon, in Walworth county, shall not be deemed illegal, by reason of any informality in notifying, or conducting the annual town meeting of 1843.

Meetings how called. § 2. Upon application, in writing, of ten or more legal voters for that purpose, it shall be lawful for one of the supervisors of the said town of Sharon to notify a special town meeting, at such time and place as he may appoint, for the purpose of filling any vacancies which may now exist in any of the town offices in said town: *Provided*, that notices of such meeting, under his hand, shall be posted up at three or more public places in said town for ten days previous to the time of such meeting.

APPROVED, January 11, 1844.

AN ACT to revive and amend an act entitled "An act to incorporate the town of Platteville," ap- proved February 19, 1841.

*Be it enacted by the Council and House of Representatives
of the Territory of Wisconsin :*

Act revived. § 1. That the act entitled "an act to incorporate the town of Platteville," approved February 19, 1841, is hereby revived and declared to be in full force and effect, except as is otherwise provided in this act.

One assessor and one constable. § 2. That so much of said act as provides for the election of more than one assessor and one constable is hereby repealed and only one assessor and one constable shall be elected by said town.

Sections 25, 26 and 27 repealed. § 3. That sections twenty-five, twenty-six and twenty-seven of the act hereby revived are hereby repealed and declared to be of no force or effect whatever.

APPROVED, January 24, 1844.

AN ACT to legalize the acts of Rollin Blount, a Justice of the Peace in Milwaukie county.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

§ 1. That the official acts of Rollin Blount, heretofore performed by him as Justice of the Peace in Milwaukie county, shall in no wise be affected for the reason that the official bond of said Rollin Blount was not filed within the time required by law, and that the said acts shall to all intents and purposes be of the same effect and validity as if the said bond had been filed.

Acts of legalized.
To be of same effect as if bond filed.

APPROVED, January 27, 1844.

AN ACT making appropriations out of the Territorial Treasury for the payment of certain debts therein named.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

§ 1. There shall be paid out of any moneys in the Territorial Treasury the following sums, for the following purposes, to wit:

To John Burr, Deputy Sheriff of Ottawa county, Michigan, for his services, fees and expenses in apprehending John J. Jackson, a fugitive from justice, indicted in Milwaukee county for larceny, and surrendering him to the proper authorities of Milwaukee county, one hundred thirty-two dollars and twenty-three cents.

To John Last for fees as Clerk in the case of the Attorney General of the Territory against the bank of Wisconsin, sixty-five dollars and fifty-six cents.

To Charles Fulton for fees as Sheriff in the same case, eight dollars and twenty-seven cents.

To Seth Rees for fees as Sheriff in the same case, two dollars and thirty-nine cents.

S. Rees.

To George Messersmith for fees as Sheriff in the same case, nine dollars and nineteen cents.

G. Messersmith.

- H. N. Wells.** To Horatio N. Wells for fees for serving subpoena in the same case, nine dollars and forty-four cents.
- J. S. Bowden.** To James S. Bowden for fees for taking deposition in the same case, one dollar and fifty-six cents.
- W. A. Prentiss.** To William A. Prentiss for fees for taking depositions in the same case, six dollars and fifty cents.
- Geo. McWilliams.** To George McWilliams for fees for taking depositions in the same case, twenty dollars.
- G. Williams.** To George Williams, for fees for serving notices in the same case, two dollars.
- N. Goodall.** To Nathan Goodall, for receiving and storing seven boxes of Military Stores, and for postage paid in relation to the same, two dollars and seventy-five cents.
- J. Y. Smith.** To John Y. Smith for forty days service in 1842 as Commissioner of Public Buildings at five dollars per day, and for nine days services in the same year, as Commissioner of Public Buildings, at two dollars and fifty cents per day, and for expenses as Superintendant of Territorial property, in attending territorial suits and purchasing Stationery after deducting twelve dollars and fifty eight cents for maps and laws sold by him, the sum of two hundred sixty one dollars and sixty seven cents.
- Le Grand Rockwell.** To Le Grand Rockwell for fees as clerk in the three suits in Walworth county against James D. Doty and others, one hundred and one dollars, and seventy five cents.
- W. A. Prentiss.** To William A. Prentiss for fees in taking depositions in the same cases, one dollar and fifty cents.
- J. Turney.** To John Turney for fees in taking depositions in the same cases, ten dollars.
- S. Smoker.** To Samuel Smoker for fees in taking depositions in the same cases, ten dollars.
- Geo. Messersmith.** To George Messersmith for fees as Sheriff in the same cases, twenty eight dollars and fifty seven cents.
- O. Aldrich.** To Owen Aldrich for fees as Sheriff in the same cases, fourteen dollars and fifty two cents.
- J. Ward.** To Joseph Ward for fees as Sheriff in the same cases, nine dollars and fourteen cents.
- R. H. Mallory.** To Russel H. Mallory for fees as Sheriff in the same cases three dollars and thirteen cents.
- J. A. Noonan.** To Josiah A. Noonan for fees as witness in the same cases, eleven dollars and twenty four cents.
- L. H. Cotton.** To Lester H. Cotton for fees as witness in the same cases, sixteen dollars and forty four cents.

To Jefferson Kinney, for fees as witness in the same J. Kinney. cases, eleven dollars and twenty-four cents.

To John Catlin for fees as witness in the same cases, J. Catlin. eighteen dollars and sixty cents.

To George P. Delaplaine for fees as witness in the G. P. Delaplaine. same, eighteen dollars and sixty cents.

To Simeon Mills, for fees as witness in the same, S. Mills. eighteen dollars and sixty cents, and for transporting witness to and from court, twelve dollars and fifty cents.

To Richard Hardell, for fees as witness in the same R. Hardell. cases, four dollars and ninety cents.

To Loring R. Doney, for fees as witness in the same L. R. Doney. cases, four dollars and two cents.

To C. Douglass, for fees as Supreme Court Commissioner. C. Douglass. sioner, in the same cases, fifty cents.

To William N. Seymour, for fees in serving notices in Wm. N. Seymour. the same cases, four dollars.

To Daniel Wells, Jr. for fees as sheriff in the same D. Wells. cases, twelve dollars and twenty cents.

To William W. Wyman, for printing the census of 1842, W. W. Wyman. fifteen dollars.

To the Administrators on the estate of Zenas H. Bird, Administrator for transporting boxes of arms to Fort Winnebago, twelve of Z. H. Bird. dollars.

To La Fayette Kellogg, for fees as Clerk of the Supreme L. F. Kellogg. Court, in the cases of the United States *Exrelatione* Thomas J. Noyes, vs. Allen W. Hatch, two dollars and T. J. Noyes. sixty cents.

To J. T. Wilson, for repairing Lightning Rod on the J. T. Wilson. capitol, two dollars.

APPROVED, January 30, 1844.

AN ACT to provide for the payment of the expenses of the Legislative Assembly, therein mentioned.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That there shall be paid out of the sum appropriated by Congress for defraying the expenses of the Legis-

lative Assembly of this Territory, for the year ending 30th June, 1844.

W. W. Wyman.

To William W. Wyman for printing, folding, stitching and binding one hundred and twenty-five copies of the journal of the House of Representatives of the sessions of 1842 and 1843, as per joint resolution of Legislative Assembly, and for paper for same, five hundred and twenty-eight dollars and eighty-seven cents.

Sheldon & Hyer.

To John P. Sheldon and George Hyer, for printing, folding, stitching and binding, one hundred and twenty-five copies of Journal of the Council, for the sessions of 1842 and 1843, as per joint resolution of the Legislative Assembly, and for paper for same, five hundred and fifty-nine dollars and seventy-four cents.

Sheldon & Hyer.

To John P. Sheldon and George Hyer, for printing, folding, stitching and binding fifteen hundred copies of the laws of the sessions of 1842 and 1843, per resolution of Legislative Assembly, and for paper for same, four hundred and eleven dollars and seventeen cents.

Sheldon & Hyer.

To John P. Sheldon and George Hyer, for printing report (H) of a select committee, relative to cancelling bonds, fifty three dollars and eleven cents; also for advertising proposals, per order superintendant territorial property, two dollars; also for printing five hundred copies of "An act to amend an act to provide for the government of the several towns," &c. sixty-eight dollars and thirty-one cents.

P. C. Hale.

To P. C. Hale, for stationery and candles, furnished the Legislative Assembly at its present session, including transportation on same, five hundred sixty-six dollars and seventy cents.

J. D. Weston.

To J. D. Weston, for stationery furnished the present session of the Legislative Assembly, seventeen dollars and fifty-two cents.

M. M. Strong

To Marshall M. Strong, President of the Council, for extra compensation as President, fifty-eight days at three dollars per day, one hundred and seventy-four dollars.

D. Newland.

To David Newland, for extra compensation as President of the Council, two days at three dollars per day, six dollars.

G. H. Walker.

To George H. Walker, Speaker of the House of Representatives, for extra compensation as Speaker, fifty-eight days, at three dollars per day, one hundred and seventy-four dollars.

To Richard T. Davis, for work done on doors and windows of Capitol, and putting up shelves in library and locks on members desks, ten dollars and fifty cents. R. T. Davis.

To William Wilcox, for repairing hearths and place in Representatives Hall, and plastering in legislative halls, six dollars. Wm. Wilcox.

To J. T. Wilson, for making fender for arch of chimney, making ash-pan, and mending shovels and tongs for legislative halls, five dollars. J. T. Wilson.

To Carlos Jocelin, for mending chimney where Capitol took fire, and furnishing materials for same, five dollars. C. Jocelin.

To A. J. Wells, for nine days services in cleaning rooms in Capitol, and chopping wood, eleven dollars and twenty-five cents. A. J. Wells.

To John Y. Smith, Superintendent of Territorial property, for services as librarian and taking charge of Capitol, furniture of legislative halls, and Territorial property, his salary from 1st July, 1843, to 1st July, 1844, three hundred dollars. J. Y. Smith.

To John Y. Smith, for stationery and services for use of the Legislative Assembly, twelve dollars. J. Y. Smith.

To John Y. Smith, for cash paid on official letters law library, five dollars and twenty-two cents. J. Y. Smith.

To John Catlin, Post Master at Madison, for postage of the members of the Legislative Assembly, during the present session, four hundred and thirty-six dollars and thirty-two cents; which appropriation shall have preference as to payment by the Secretary of the Territory over any other appropriation embraced in this act. J. Catlin.

To the Rev. Jesse L. Bennett, for his services as chaplain to the House of Representatives during the present session, one hundred dollars. Rev. J. L. Bennett.

To Peter H. Van Bergen, for furnishing two hundred cords of wood for the use of the Legislative Assembly at its present session, three hundred dollars. P. H. Van Bergen.

To Charles Doty, for services as Clerk in the Executive office during the present session of the Legislative Assembly, fifty-nine days at three dollars per day, one hundred and seventy-seven dollars. C. Doty.

To Seth M. Van Bergen, for hauling to steps of the Capitol, one hundred and forty-five cords of wood during the present session, at twenty-five cents per cord, thirty-six dollars and twenty-five cents. S. M. Van Bergen.

To Theophilus Haylett, for fifty-seven days labor chopping. T. Haylett.

ping wood for use of Legislative Assembly, during its present session, and eight days labor in cleaning Capitol, and assisting in repairing same, in November last, at one dollar and fifty cents per day, ninety-seven dollars and fifty cents.

Library. For additions to the library, the continuation of reports, parliamentary history, &c. five hundred dollars, to be drawn and expended by Charles M. Baker.

J. Catlin. To John Catlin, for preparing the journal of the House of Representatives of the present session for publication, and affixing an index thereto, two hundred dollars.

B. C. Eastman. To Ben C. Eastman, for preparing the Journal of the Council of the present session for publication, and fixing an index thereto, two hundred dollars.

J. Catlin & B. C. Eastman. The said John Catlin and Ben C. Eastman shall, without being allowed any compensation therefor, beyond what is hereinbefore allowed them, prepare the laws passed at the present session for publication, with an index and marginal references thereto; provided such services shall not be rendered in due season by the Secretary of the Territory, and for that purpose they shall have access to, and be furnished with all the laws and resolutions passed at the present session in the office of said secretary; and they shall carefully compare the proof sheet of the printed laws, with the laws on file in the office of the Secretary of the Territory.

M. C. Darling To Mason C. Darling, for extra compensation as Speaker pro tem of the House of Representatives, two days, six dollars.

Rev. R. F. Cadle. To the Rev. Richard F. Cadle, for his services as Chaplain to the Council during the present session, one hundred dollars.

P. C. Hale. To P. C. Hale, for balance due for binding one hundred and forty-two volumes of the laws of Wisconsin for library, in 1843, and transportation on the same, after deducting for three parts sets had by him laws, six dollars; fifty-two dollars and twenty-five cents.

J. D. Weston. To J. D. Weston for stove and two clocks furnished for the Legislative Halls the present session, thirty-six dollars.

J. Y. Smith for his boy. To John Y. Smith, Superintendent of territorial property, for hire of assistant librarian during his absence on official business, the session of the Supreme Court, and the present session of the Legislative Assembly, ninety-

our days, at one dollar and fifty cents per day, one hundred and forty one dollars.

To John P. Sheldon and George Hyer, for incidental Sheldon & Hyer. printing for Council and House of Representatives, of Hyer. bills, journals, reports, and folding, stitching, and paper for the same, and for newspapers furnished the members of the Legislative Assembly at its present session, in full \$ per bill, one thousand five hundred and twenty-one dollars and twenty-two cents.

To Henry K. White, for writing for the Legislative H. K. White. assembly, at its present session, one hundred and seventy-seven dollars.

To Albert G. Knight, for writing for the Legislative A. G. Knight. assembly, at its present session, one hundred and seventy-seven dollars.

To Nehemiah Locy, for services for the Governor and N. Locy. Legislative Assembly, in making fires, carrying wood, sweeping capitol and attending on committee rooms and library, one hundred and seventy-seven dollars.

To Mason C. Darling, for services rendered and expen- M. C. Darling ses as one of committee on joint resolution of the Legislative Assembly in examining into the affairs of the Milwaukee and Rock river canal company, and the Milwaukee Fire Insurance company, sixty dollars.

To John S. Little, for the law library furnished the J. S. Little. Wisconsin Library during the year 1843, ten dollars, to be paid John Y. Smith and by him forwarded to said Little.

To John Y. Smith for three and a half days work by J. Y. Smith. Robert Moore and S. M. Van Bergen, carrying wood and Robert Moore cleaning rooms of Capitol at the commencement of the and S. M. Van Bergen. present session, five dollars and twenty-five cents.

To Nelson Bigman, for services cleaning halls, privy, N. Bigman. spittoons, carrying wood, &c. forty-nine dollars.

To C. Latham Sholes, for two hundred and thirty-eight C. L. Sholes, copies of Southport Telegraph, furnished the members of the Legislative Assembly, eleven dollars and ninety cents.

To H. O. Sholes, for one hundred and eighty copies H. O. Sholes. of Green Bay Republican, furnished members of the Legislative Assembly, nine dollars.

To Thomas Eastman, for three hundred and forty-four T. Eastman. copies Northern Badger, furnished the members of the Legislative Assembly, seventeen dollars and twenty cents.

Marshall M. Strong. To Marshall M. Strong, for two hundred and eighty eight copies of the Racine Advocate, furnished members of the Legislative Assembly, fourteen dollars and forty cents.

J. A. Brown. To John A. Brown, for one hundred and sixty copies Milwaukee Courier furnished members of the Legislative Assembly, at its present session, eight dollars.

L. F. Kellogg. To La Fayette Kellogg, for furnishing the judiciary committee with copies of bills of exceptions in certain suits, by order of said committee, three dollars and ninety cents.

Moses M. Strong. To Moses M. Strong, for assisting Mason C. Darling in the examining into the affairs of the Milwaukee and Rock River Canal Company, and the Wisconsin Marine and Fire Insurance Company, sixteen dollars.

G. C. S. Vail. To George C. S. Vail for writing for the Legislative Assembly at its present session, twenty-four dollars.

G. P. Delaplaine. To George P. Delaplaine, for writing for the Legislative Assembly at its present session, twenty-one dollars.

J. & L. Ward. To J. & L. Ward, for stationery and candles furnished for the use of the Legislative Assembly at the sessions thereof, commencing March 6th, 1843, and March 28th, 1843, the sum of seven hundred nineteen dollars and seventy-six cents, to be paid out of the appropriation made by Congress for defraying the expenses of the Legislative Assembly for the half fiscal year commencing on the first day of January, 1843, and ending on the 30th day of June, 1843: *Provided*, the above appropriation to J. & L. Ward, shall not be made a charge upon, or paid out of the territorial treasury.

W. W. Wyman. To William W. Wyman for newspapers furnished the members of the Legislative Assembly at its present session, eighty-nine dollars and ninety cents; also for newspapers furnished the Executive office, thirteen dollars and fifty cents.

J. W. Trowbridge. To J. W. Trowbridge, five dollars, for writing done for the Legislative Assembly at its present session.

§ 2. That the balance of the fund appropriated by Congress for the payment of the expenses of the Legislative Assembly for the current year, which may remain after deducting from such fund, the per diem and mileage of the members, the pay of officers and other incidental expenses, provided for in this act, be, and the said balance is hereby appropriated to be expended under the

direction of Charles M. Baker in the purchase of books C. M. Baker.
 for the Library: *Provided*, that the first books to be
 purchased, shall be such volumes of Reports as may be
 necessary to continue and complete the sets which have
 been heretofore purchased, and are now belonging to the
 library.

Returned by the Governor with objections, and re-con-
 sidered and passed by the House of Representatives,
 January 30th, 1844, by ayes and noes, seventeen mem-
 bers having voted for, and four against the bill.

JOHN CATLIN, Chief Clerk.

Re-considered and passed in the Council, January 30,
 1844, ayes seven, noes none.

BEN C. EASTMAN, Secretary.



Memorials & Resolutions.

A MEMORIAL to Congress for the improvement of the Fox and Wisconsin Rivers.

*To the Honorable the Senate and House of Representatives
of the United States :*

The memorial of the Legislative Assembly of the Territory of Wisconsin respectfully sheweth :

That conceiving the improvement of the Fox and Wisconsin Rivers, by the creation of slack water navigation through the rapids of the Fox, and by removing the bars and other obstructions to the free passage of the Wisconsin river, to be of vast consequence to the growth and prosperous prosecution of an inland trade, this subject is again urgently pressed upon the attention of Congress. This route is the only natural one by which a free navigation may be opened between the Lakes and the Mississippi, and has been noted by travellers as such for nearly two centuries past. Your memorialists believe that the time has arrived when this channel of communication so long and favorably known, should be regarded as of national importance, and an appropriation made for its speedy completion.

APPROVED, December 18, 1843.

MEMORIAL to Congress for a donation of land to improve the Grant Slough.

*To the Honorable the Senate and House of Representatives
of the United States of America in Congress assembled :*

The memorial of the Legislative Assembly of the Territory of Wisconsin respectfully represents :

That a large portion of the town of Potosi, a flourishing and rapidly growing village near the Mississippi River, is situated on section thirty-four in town three of range three west of the fourth principal meridian in the Mineral Point land district and that said section has never been reserved for sale by the United States authorities although other lands in the vicinity have been in market for several years, and that the numerous persons occupying portions of said section have no legal title to their possessions. Congress have in numerous instances when particular tracts of the public domain have been similarly situated, passed laws securing to the occupants a pre-emption right to their possessions at reasonable prices, and providing for the sale of the remainder of the tracts, and appropriating the proceeds of the land for the improvement of the town. Such was the action of Congress with reference to the towns of Galena, in Illinois, Burlington, Fort Madison, Bellevue, Dubuque and Peru, in Iowa Territory, and Mineral Point in this Territory.

Your memorialists further represent that the Mississippi River is navigable by Steam Boats for many hundred miles above Potosi, and that a large commercial business is done at Potosi which is rapidly increasing, but that between the Steam Boat landing of said town and the channel of the River is a long narrow peninsula, which in high water becomes an island, and extends about three miles below the landing formed by the waters of Grant River which reach the bottom grounds of the Mississippi about two miles above the landing and then sluggishly continue their course parallel and near to the Mississippi until they finally unite with the channel of that river about three miles below the landing and from what is called the Grant River Slough or Boyou, and forming also the peninsula before alluded to, at or near the head of which is low ground which in high water is submerged transforming

the peninsula into an island although there is an abundance of water in the Slough for all boats that navigate the river. Yet as there is no passage from it to the River at its upper end, boats in order to come to the landing are obliged to enter it at its lower extremity, and then return by the same route to the main river, whereas if a passage were cut through the peninsula at the upper end, the Mississippi River would run through the Slough furnishing a channel for boats, going up and down directly past the landing.

Your memorialists therefore pray that Congress will donate to the Territory the section of land before mentioned to be disposed of by the Territory for the purpose of improving the navigation of the Grant River Slough, and securing to settlers on it a right of pre-emption to their possessions upon such terms as may be reasonable.

And your memorialists will ever pray, &c.

APPROVED, January 11, 1844.

MEMORIAL for a re-appropriation of certain monies to complete a Light House on Grassy Island near the mouth of the Fox River.

To the Honorable the Senate and House of Representatives of the United States :

The memorial of the Legislative Assembly of the Territory of Wisconsin, respectfully represents :

That the erection of a Light House at or near the southern extremity of Green Bay is necessary to make the entrance at the mouth of Fox River by boats and vessels, at all times safe and commodious. For several miles below the junction of that river with the Bay, the vessel channel is narrow and circuitous, being hemmed in on either side by extensive flats, difficult to avoid in thick weather or in the night. The construction of a Light on Grassy Island would in a great measure obviate the difficulty, and make the harbor at all times accessible.

An appropriation for that purpose was made by an act of Congress passed July 7th, 1838, which has never been expended as contemplated by the act, but has reverted to the Treasury of the United States. Since the passage

of that act the commerce of Green Bay has been gradually increasing, and the number of boats and vessels arriving and clearing at said point during the last season, is believed to be double that of any previous year. The necessity therefore of such a work is much increased since the date of appropriation.

Your memorialists ask that the sum of four thousand dollars appropriated by act of July 7th, 1838, to construct a Lighthouse on Grassy Island, and which has not been expended, may be re-appropriated to the same object, and your memorialists will ever pray, &c.

APPROVED, December 20, 1843.

MEMORIAL to Congress for the indemnification of Elbert Dickerson.

*To the Honorable the Senate and House of Representatives
of the United States, in Congress assembled :*

The memorial of the Legislative Assembly of the Territory of Wisconsin respectfully shews :

That sometime in the month of December 1839 that a band of Winnebago Indians consisting of about seventy persons and coming from the west side of the Wisconsin river, a region to which the Indian title had not been extinguished, forcibly entered and took possession of the buildings and farm of Elbert Dickerson of Columbus in Portage county in the Territory of Wisconsin on the east side of Wisconsin river, that such possession was retained by the said Indians until some time in March following, during which time they subsisted upon the provisions of the said Elbert Dickerson until the whole was exhausted.

Your memorialists further show that the damage sustained by the said Elbert Dickerson, by reason of such occupation of his farm and consumption of his provisions was very great. The wheat alone consumed by them amounted to twelve hundred bushels, of the value as estimated by six sworn appraisers of nine hundred and seventy dollars.

Believing that under the act of June 30, 1834, commonly called the Indian intercourse act, his losses would be

refunded, he applied to the War department for redress and compensation.

His application to that department was rejected on the ground that his case did not come within the provisions of that act, and that therefore the department could not issue an order for the payment of the claim out of the Indians' annuity.

Your memorialists therefore recommend the case of this claimant to the favorable consideration of your Honorable bodies, and trust that the guaranty of the United States given in the aforementioned act for the eventual indemnification of persons whose property has in such manner been taken, stolen or destroyed, will be made available for the benefit of this claimant.

APPROVED, January 27, 1844.

MEMORIAL to the Congress of the United States relative to a United States road from Prairie du Chien to La Pointe on lake Superior.

*To the Honorable the Senate and House of Representatives
of the United States, in Congress assembled:*

The memorial of the Legislative Assembly of the Territory of Wisconsin respectfully shows :

That the business of an important portion of this Territory requires the laying out of a road leading from Prairie du Chien to La Pointe on Lake Superior.

Your Memorialists further state, that the proposed road will touch the principal tributary rivers of the Mississippi at points where mills for the manufacture of lumber are now established, and will furnish a communication by land with Fort Snelling and the St. Peters river, now only accessible by water in summer, and by means of the ice of the frozen river in winter.

Your memorialists further suggest, that the increasing importance and value of the copper region on Lake Superior furnishes a cogent reason for the laying out of the road in question; its proposed route being on the natural ridge between the Kickapoo river and the Mississippi, and not varying more than five miles from a due north

course, thereby diminishing the distance between the Mississippi and Lake Superior as at present travelled, more than two hundred miles.

The liberality evinced by your honorable bodies in making appropriations for the improvement of roads and harbors in the eastern portion of the Territory, encourages your memorialists to hope that the attention of your honorable bodies will be directed to this interesting portion of our common country, that all constitutional means will be adopted to develop its immense resources, that the power of the general Government may be brought to co-operate with individual exertion, too feeble without such aid, to overcome the obstacles which nature interposes in these regions to the full developement of their resources.

APPROVED, January 27, 1844.

RESOLUTION concerning a light house at Sauk Harbor.

Resolved, by the Council and House of Representatives of Wisconsin Territory :

That our delegate is hereby requested to urge upon Congress the necessity of making an appropriation for the purpose of placing a revolving light at Sauk Harbor within this Territory.

APPROVED, January 13, 1844.

RESOLUTIONS relative to the extinguishmen of the Indian title to lands therein mentioned.

Resolved, by the Council and House of Representatives of the Territory of Wisconsin :

That the President of the United States be respectfully and earnestly requested to cause the Indian title to be ex-

between the lands lying north of the Fox river and
 between the Wolf and Wisconsin rivers.

Resolved, That these resolutions, after being signed by
 Speaker of the House of Representatives, the Presi-
 dent of the Council, and approved by the Governor, be
 forwarded without delay to the President of the United
 States.

APPROVED, January 22, 1844.

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RESOLUTION requiring the Governor to supply
 the Wisconsin Dragoons at Mineral Point with
 arms.

*Resolved, by the Council and House of Representatives of the
 Territory of Wisconsin :*

That the Governor of the Territory be authorized and
 requested to supply with arms the first troop of Wisconsin
 Dragoons at Mineral Point if the same can be done from
 the arms furnished by the United States for the mili-
 tia of Wisconsin, and that the Captain of said troops of
 Dragoons upon receiving said arms shall execute to the
 Governor a bond with two sufficient sureties to be approved
 by the Governor in such sum as the Governor shall re-
 quire, corresponding as near as may be with double the
 value of said arms and their re-delivery to the proper
 officer of the Territory or future State, on proper demand
 made, and the said Captain shall have a right to demand
 from each person who shall receive said arms a similar
 bond.

APPROVED, January 20, 1844.

AN ACT to amend the act concerning proceedings in courts of Record, and for other purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

§ 1. In any suit hereafter to be brought, when there are two or more defendants residing in different counties of the Territory, the same may be commenced in the county where either of the defendants may reside or be found, and process may be issued by the Clerk of the Court at the time of issuing the original process, to the county or counties where the other defendant may reside or be found, which shall be served by the officer to whom the same may be directed, and returned to the court from which it issued : *Provided*, That if the plaintiff shall not be a resident of the Territory, and a majority of the defendants shall not be residents of the county in which suit shall be commenced as aforesaid, it shall be in the power of the court upon the application of one or more of the defendants to remove the cause for trial to the county in which he or either of them, (as the case may be) may reside.

§ 2. Judgment may be entered in the District Court in vacation or in term upon a plea of confession signed by an attorney of such court, although there be no suit then pending between the parties, upon filing with the Clerk the authority for confessing such judgment or declaration—place of confession and a copy of the bond, contract or other evidence of the demand for which judgment is confessed : *Provided*, that the authority for confessing such judgment shall be in some proper instrument distinct from that containing the bond, contract or other evidence of demand.

§ 3. That judgments heretofore entered on confession in vacation shall be as valid and effectual to all intents and purposes as if the same had been entered in term.

§ 4. That upon any judgment or decree heretofore rendered or entered on which no execution shall have been issued, or which it may by law be necessary to revive for any debt, damage, sum of money or costs, the party in whose favor such judgment or decree was rendered, or entered, may have execution to the Sheriff, or other proper officer, to collect the amount due on such judg-

ment or decree, upon application to the proper court, accompanied by an affidavit of the party, his agent or attorney, setting forth the amount due on such judgment or decree, and that the same is unsatisfied, and the said court upon being satisfied that there is any sum due thereon shall direct the Clerk to issue execution therefor, in the manner now prescribed by law.

§ 5. That where any person shall be entitled to a conveyance of any lands or tenements which have been or shall hereafter be sold by virtue of any execution, or power of sale in any mortgage contained, such conveyance shall be executed by the Sheriff of the proper county, for time being.

GEO. H. WALKER,
Speaker of the House of Representatives.

MARSHALL M. STRONG,
President of the Council.

I hereby certify that this bill originated in the Council.

BEN C. EASTMAN, Secretary.

We hereby certify that this bill passed the Council and House of Representatives of the Territory of Wisconsin, on the twenty-seventh day of January, A. D. 1844, that it was reported by the committee on enrollment as correctly enrolled, signed by the Speaker of the House of Representatives and President of the Council, and reported by the said committee to the two Houses as having been by them presented to the governor for his approval on Saturday the 27th day of January, A. D. 1844, that the Legislative Assembly adjourned on Wednesday the 31st day of January, 1844, *sine die*, and that the same was not returned by the Governor to either house.

BEN C. EASTMAN,
Secretary of the Council.

JOHN CATLIN,
Chief Clerk of the House of Representatives.

I, GEORGE R. C. FLOYD, Secretary of Wisconsin Territory, did receive the above act upon the 11th day of April, 1844, from Mr. John Catlin, stating that the same was one of the laws of the Territory and desired that the same should be printed. I upon the same day gave it to Mr. Wyman for that purpose.

Given under my hand this day and date above written.

GEO. R. C. FLOYD.

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A BILL in relation to certain county officers in St. Croix county.

*Be it enacted by the Council and House of Representatives
of the Territory of Wisconsin.*

§ 1. That all duties required by law to be performed by Sheriffs in relation to elections are hereby authorized and required to be performed in the county of St. Croix, by the Clerk of the Board of County Commissioners of said county, and the performance of said duties by the said Clerk shall be as valid and effectual in law as if performed by the Sheriff.

§ 2. The proceedings of the Clerk of the board of County Commissioners of said county of St. Croix in opening the returns and making abstracts of the votes polled at the last election in said county for county officers, with the assistance of only one Justice of the Peace instead of two as required by law is hereby declared to be as legal, binding and valid, as though the said Clerk had taken to his assistance, two Justices of the Peace; and the several persons to whom certificates of election for county officers in said county have been given, are hereby declared to be duly elected to said offices.

§ 3. The county of St. Croix shall constitute a probate district and the jurisdiction of the Judge of Probate for said district shall be co-extension with said county.

§ 4. Philip Aldrich is hereby appointed Judge of Probate for said probate district, and he shall hold his office until the first Monday of January, in the year eighteen hundred and forty-five and until his successor is duly elected and qualified.

§ 5. There shall be elected at the general election to be held on the fourth Monday of September next and biennially thereafter, a Judge of Probate for said district in pursuance of the provisions of an act entitled "An act to provide for the election of Sheriffs, Judges of Probate and Justices of the Peace," approved March 25th, 1843; and so much of said act as conflicts or is inconsistent with this act or any part of it is hereby repealed.

§ 6. The qualifications, rights, liabilities, powers and duties of the Judge of Probate, appointed by this act and

hereafter to be elected according to its provisions, to be the same as prescribed by law for Judges of Probate in the other counties of the Territory.

§ 7. That the official acts of the said Philip Aldrich Judge of Probate performed by him since the first Monday of June last shall in no wise be affected for the reason that the said acts were performed by him after the time limited by law for the expiration of his office, but such official acts and every proceeding of said Philip Aldrich as such Judge of Probate are hereby declared to be as legal and valid as though the time limited by law for the termination of his office had not expired when the said official acts were performed and said proceedings were had.

I certify that the within originated in the Council.

BEN C. EASTMAN, *Secretary.*

We hereby certify that this bill passed the Council and House of Representatives of the Territory of Wisconsin on the 27th day of January A. D. 1844, that it was reported by the Joint committee on enrollment as correctly enrolled, signed by the Speaker of the House of Representatives and President of the Council, and reported by the said committee to the two Houses as having been by them presented to the Governor for his approval on the 27th day of January A. D. 1844, aforesaid; that the Legislative Assembly adjourned on Wednesday the 31st day of January 1844, *sine die*, and that the same was not returned by the Governor to either House.

BEN C. EASTMAN,

Secretary of the Council.

JOHN CATLIN,

Chief Clerk of the House of Representatives.

I, GEO. R. C. FLOYD, Secretary of Wisconsin Territory did receive the above bill from John Catlin upon the 2nd day of April, desiring the same to be placed among the laws. I upon this day handed the same to Mr. Wynne for publication.

GEO. R. C. FLOYD, *Secretary.*

April 26, 1844.

